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**JOINT FORCES STAFF COLLEGE
JOINT ADVANCED WARFIGHTING SCHOOL**

**IS AMERICA ON THE ROAD TO VICTORY
IN THE GLOBAL WAR ON TERRORISM?**

by

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A paper submitted to the Faculty of the Joint Advanced Warfighting School in partial satisfaction of the requirements of a Master of Science Degree in Joint Campaign Planning and Strategy.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College or the Department of Defense.

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ABSTRACT

The United States entered into war on 11 September 2001. Four and a half years have passed and it has become increasingly more difficult to determine if success is being achieved. The United States must fight this war to defend the lives and liberties of its citizens. It is critical that the nation's leaders define victory for this war, that they re-address their view of the capacity and the identity of the enemy and therefore the length of time required to attain victory, and that they re-evaluate their strategy in fighting this war.

This war will not end with a V-T (Victory against Terrorism) Day. The U.S., for the time being, has taken the battle to the enemy but further success in defeating terrorists is not guaranteed. The current strategy of labeling the campaign a war on terrorism is fundamentally flawed. It now needs improvement in order to attain final victory. The new strategy of the United States must begin by specifically defining the enemy vice calling it terrorism in general. Second, an attainable and decisive end-state must clearly be stated. Finally, the new strategy must guide improvements in the diplomatic, military and social/political elements of national power in order to synchronize all national efforts toward this desired end-state.

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INTRODUCTION

The United States entered into war on 11 September 2001. Four years have passed and it has become increasingly more difficult to determine if success is being achieved. Several arguments against calling this a war confuse the country's citizens and leaders in determining an appropriate response and effective grand strategy to defeat the enemy in this war.

Some argue that the attacks on 11 September 2001 and other terrorist attacks, while tragic and deadly, were only criminal acts and not acts of war. They further declare that crimes against civilians by civilians should be pursued and brought to justice by law enforcement officials. In fact, many nations of the world have experienced acts of terrorism that did not result in national declarations of war and have undertaken different courses of action to counter the terrorists. Moreover, the United States has experience with previous attacks of terrorism that did not evoke a national response of war. One example is the first Islamic terrorist attack on the World Trade Center. The clear objective of Ramzi Yousef, the leader of that attack, was "nothing less than to topple the twin towers and kill thousands."¹ Some argue that the nation must improve its local security, police forces, intelligence and immigration to prevent criminals from committing these crimes and that these actions do not constitute a war.

The question also arises as to who exactly the United States is fighting. No nation-state or government has declared war on the U.S. No nation-state has made demands on the government and its citizens that if not complied with will lead to attacks. No nation-state is overtly infringing on U.S. national interests and attempting to compel the U.S. to submit to its way of life. It would be reasonable to conclude that since none

of the common themes that have led countries to war in the past exist, then there is no war now.

The logic in the above reasoning is based on an historic view of world balance through states, not cultures. The reality is that “culture and cultural identities, which at the broadest level are civilization identities, are shaping the patterns of cohesion, disintegration, and conflict in the post-Cold War world.”² The United States is at war with a very clearly determined, though hard to find, organization which has publicly declared war on it. In February 1998, Osama bin Laden issued the following fatwa to all Muslims: “The ruling to kill the Americans and their allies – civilians and military – is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque and the holy mosque [Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim.”³ Additionally, beyond just words, this enemy has committed and continues to commit terrorist acts of war against the United States and its allies.

The United States must fight this war to defend the lives and liberties of its citizens. However, it is critical that the nation’s leaders define victory for this war, that they re-address their view of the capacity and the identity of the enemy and therefore the length of time required to attain victory, and that they re-evaluate their strategy in fighting this war.

This war will not end with a V-T (Victory against Terrorism) Day. As stated in the *National Strategy for Combating Terrorism*, “it will not be marked by the likes of the surrender ceremony on the deck of the USS Missouri that ended World War II.”⁴ It will

not be concluded by an event like the fall of the Berlin Wall which symbolized the end of the Cold War and signified victory for democracy. The question arises whether victory can be achieved and at what cost. How much can the nation sacrifice in order to eliminate terrorism completely? How long or far is the nation willing to go in order to defeat the enemy? Can victory be achieved at all? If so, how long will the victory last? Prussian war theorist Carl von Clausewitz stated "Even the ultimate outcome of a war is not always to be regarded as final. The defeated often considers the outcome merely as a transitory evil, for which a remedy may still be found at some later date."⁵ The answer is highly debatable, particularly when comparing Western and Eastern views of history and time. Regardless, the United States government has a duty to begin the pursuit of victory in order to protect its citizens and their way of life and a duty to believe that victory can be achieved. However, victory will not occur in the traditional ways of which Americans are accustomed.

While most people reasonably agree that the United States response prior to 9/11 did not yet constitute war, the nation was already implementing various ranges of diplomatic, informational, military and economic elements to affect the enemy. Once the use of military means became the primary element, however, the country entered into war. The continued strategic, operational and tactical responses clearly indicate that the United States is still at war. Additionally, the continued terrorist acts against the United States and its allies, even after the post 9/11 response (Afghanistan, Iraq) and continuing over the past four years, verify that the enemy is totally committed to damaging and destroying U.S. national interests. While the enemy may not be as effective and may have been weakened tactically, there are no definite signs indicating its defeat or future

cessation of attacks. Therefore the only way for the United States to protect its national interests and provide a free and secure existence for its citizens in the future is to completely defeat the enemy. Clausewitz stated “War is thus an act of force to compel our enemy to do our will...to impose our will on the enemy... [and] render the enemy powerless; and that, in theory, is the true aim of warfare.”⁶ While this war is asymmetrical, making it unlike most wars encountered by the U.S., it is still war and in the end victory will be for only one of the participants.

So, how successful is the United States right now? Some progress has been made but not enough. The U.S. has advanced to the point where for the time being it has taken the battle to the enemy. Perhaps just the first few steps in a long line of steps that will take twenty or more years to complete have been taken. When viewed as the beginning steps of a war that will last for decades, planners, citizens, military leaders and politicians will be forced to develop a long range grand strategy more reflective of the reality of today’s changed world and therefore more effective in combating this 21st century enemy. An understanding of the enemy’s strategy through its paradigm will give a clearer focus and enable the U.S. to implement all measures of diplomatic, informational, military and economic means to achieve final victory in the Global War on Terrorism. While the nation has enjoyed somewhat early success in fighting the enemy, there is a long way to go on the road to victory. Therefore the nation’s leaders must develop an effective grand strategy that recognizes the new world order and provides the roadmap to achieve their definition of victory.

This paper will begin by defining exactly who or what the United States is fighting in this war. The enemy must be clearly defined in order to develop a strategy

aimed at accomplishing specific goals. By taking a look at the history and evolution of terrorism, the U.S. may understand the enemy's background, support base, and strategy. Next, after exploring various views and definitions, this paper will identify the current enemy as Al Qaeda and its allies. The study will then discuss the strengths and weaknesses of the current United States strategy in fighting this war by assessing strategies used by other countries in dealing with various terrorist groups. The successes and failures and corresponding strategies of other countries will lend insight into methods available for the current war. It will determine that the current strategy, while somewhat effective, needs improvement in order to succeed in attaining final victory. This improvement will come only through looking at the world through new paradigms, addressing all world wide national views, and reviewing the nation's goal of victory. The assessment determines that the current strategy only succeeds in the short term. The paper will show that to effectively defeat the enemy, the United States must clearly define victory and harmonize its full complement of resources in order to produce the synergy to win.

DEFINING THE ENEMY

Prior to 9/11, the United States used military force in response to terrorism on just three occasions: the El Dorado canyon strikes against Libya in 1986, cruise missile strikes on Iraq's intelligence agencies in 1993, and cruise missile strikes in 1998 launched against facilities in Afghanistan and in Sudan, which were believed to be affiliated with Osama bin Laden's al Qaeda network. The major constraints against military options were legal and political. Generally, the government took the stance that terrorist acts were crimes and not acts of war.

Criminal Act vs. Act of War

The Constitutional restrictions on the use of military force to support law enforcement or criminal justice efforts drove the United States government to limit the role of the military in domestic affairs. Prior to 9/11, the two deadliest terrorists on American soil over the last thirty years were Ted Kaczynski and Timothy McVeigh. Kaczynski severely maimed, injured or killed twenty-seven people in sixteen different bombings, until his capture in 1995 by the Federal Bureau of Investigation. Shortly after the Oklahoma City bombing in 1995, local, state and federal law enforcement officials investigated, captured, tried and convicted Timothy McVeigh and his accomplice, Terry Nichols. Both were American citizens and thus did not evoke much international or political interest. Following the World Trade Center car bombing in February 1993 by followers of Shaykh Omar Abdul Rahman, the exiled leader of the Egyptian fundamentalist Gama'a al Islami group, four suspects were found guilty by a federal jury on 4 March 1994. Two other suspects were later arrested and tried.⁷ The

characterization of these terrorist acts as crimes and not acts of war enabled the legal system to pursue and stop the perpetrators and their supporters and prohibited the military from becoming involved. This was a successful strategy in handling these terrorists because their threat was not global nor was it perceived as a direct threat to national interests. The United States dramatically changed its characterization of terrorism from a crime to an act of war following the attacks on 11 September 2001.

The first step in formulating an effective strategy is deciding who or what the enemy is. Immediately after 11 September 2001 President Bush addressed the nation and the world and stated the “enemies of freedom committed an act of war against our country.”⁸ The following autumn the White House issued The National Security Strategy of the United States of America stating, “The United States of America is fighting a war against terrorists of global reach.” It further stated that “the enemy is not a single political regime or person or religion or ideology. The enemy is terrorism – premeditated, politically motivated violence perpetrated against innocents.”⁹ This classification of an enemy is not entirely accurate; calling it a war on terrorism creates confusion. This would be tantamount to President Franklin Roosevelt saying in World War II, “We are engaged in a war against kamikazes and blitzkrieg.”¹⁰

Terrorism vs. Terrorist

One of the fundamental problems of labeling the current campaign a war on “terrorism” is that it implies that the United States and its allies are willing and able to fight the tactic in all its forms, throughout the world. Strategy is about achieving an end using the means available. Means are limited, and not all terrorism is equally threatening

to the United States. The enemy is not terrorism itself. Terrorism is a tool, a tactic. All terrorism is wrong and must be condemned; however, one must further investigate the motive behind the acts to determine if they are unjust themselves and then determine if that cause warrants fighting. By making the tactic of terrorism the enemy, the United States has established a strategic aim so ambitious that it can not be achieved. Moreover, the U.S. set itself up to be ensnared in local conflicts all over the world. Therefore, the enemy the United States faces today and thus the enemy that the United States is at war with should not be terrorism. It is the individual, regime, network, or ideology that uses terrorism as a tool against the U.S. and that threatens U.S. national interests.

Next, the United States must be careful to label terrorist groups separately. It must ensure that it distinguishes between the separate groups and targets its response specifically towards the behavior of each group. If not, the U.S. and its allies run the risk of terrorist groups joining together as a common enemy. By differentiating terrorists' causes and ideologies from those of other terrorists, the United States allows the nations and people of the world the opportunity to counter terrorism on their own terms. Finally, the United States must clearly and specifically identify the enemy, keeping in mind all the political, religious, and ideological consequences.

The Fourth Wave

Who is this enemy and how has it been characterized by the United States and its allies? Terrorism is not new to the world, yet the reaction to it and the resources dedicated to defeating it have emerged to a global scale. University of California, Los

Angeles political science professor David C. Rapoport contends that modern terror began in the 1880s and that four waves of modern terrorism have existed.¹¹

The “Anarchist wave” was the first truly international terrorist experience in history. It originated in Russia and reached its high point in the 1890s, sometimes called the “Golden Age of Assassination” – when monarchs, prime ministers, and presidents were struck down, usually by assassins who moved easily across international borders. Italians were particularly active as international assassins, crossing borders to kill French President Carnot (1894), Spanish Premier Casnovas (1896), and Austrian Empress Elizabeth (1898).¹² The most immediately affected governments clamored for international police cooperation and for better border control. President Theodore Roosevelt even stated “Anarchy is a crime against the whole human race, and all mankind should band together against the Anarchist.”¹³ The consensus only lasted three years. The United States and other countries refused to send delegations to a St. Petersburg conference aimed at ending the terrorism because the interests of states pulled them in different directions.¹⁴ This first wave ended with the beginning of World War I after the assassination of Archduke Franz Ferdinand. An unintended consequence of the four terrible years that followed was the dampened enthusiasm for the strategy of assassination by terrorists.

The second wave of terrorism is defined as the “anti-colonial”¹⁵ and was born after the Versailles Peace Treaty that ended World War I. In an effort to break up the empires of the defeated states, the victors of the war established control over the territories until they were ready for independence. These terror campaigns were fought by a native population that did not agree with the imperial powers. Second-wave

terrorists also understood that they needed a new language to describe themselves because the term terrorist had accumulated so many negative connotations. Menachem Begin concentrated on purpose rather than means and described his people as “freedom fighters” struggling against “government terror.”¹⁶ Tactics also changed. Assassinations of prominent political figures had proven unproductive, and since more sources were contributing money, bank robberies were far less common. Major efforts went into hit-and-run actions against troops and law enforcement officials in an attempt to weaken the authorities. Foreign states with kindred populations were active giving political support at times. None of the movements proved ultimately successful at driving out their colonial rulers until after World War II when the United States became the major Western power and pressed for the elimination of empires. The remaining victors, burdened with the responsibility of rebuilding their homelands, grew tired of fighting terrorism in their colonies. They began liquidating their own empires in places like India, Pakistan, Tunisia, Egypt, Indonesia and Nigeria.¹⁷ While arguably not the only reason, terrorism had contributed to the end of colonialism in some of these new nations.

The third wave is known as “New Left.”¹⁸ The major political event stimulating the third wave was the Vietnam War. The effectiveness of the Vietcong’s “primitive weapons” against the American’s modern technology rekindled radical hopes that the contemporary system was vulnerable.¹⁹ As in the first wave, radicalism and nationalism were combined. International support began to play a role as many Western groups, such as the West German Red Army Faction, the Italian Red Brigades, the Japanese Red Army, and the French Action Directe, saw themselves as “vanguards for the Third World masses.”²⁰ The Soviet Union also recognized the opportunity to weaken the Western

world and encouraged the outbreaks by offering moral support, training and weapons.²¹ The targeting of military and law enforcement officials was replaced with international hijacking, kidnapping and hostage taking. The kidnapping and hostage taking gave the terrorist political leverage and also became very lucrative. The abandoned practice of assassinations returned. However, while first wave figures had been assassinated because he or she held political office, third wave assassinations were more often committed as punishment.²² Although international terrorism had been revived, it began to ebb in the 1980s. States continued to have differences but they cooperated formally and openly in most counterterrorism efforts. The United Nations took the lead, making hijacking, hostage taking, attacks on senior government officials, bombing of foreign state's facilities and financing of these activities crimes.²³

All three waves were cycles of activity that happened at a given period of time characterized by a common energy that shaped the participating groups' actions and occurred in several countries. Although characterized by significant differences, causes and ideologies, a key common characteristic among the three waves was that they lasted approximately one generation.

Rapoport defines the fourth wave of terrorism as the "religious" wave.²⁴ This fourth wave is not a battle of religions though. It is a battle against an extreme fundamentalist enemy who uses a religious ideology in an attempt to unify against the United States and its allies. To most Americans, the war against this enemy began on 11 September 2001 or when the U.S. retaliated in Afghanistan in October 2001. Perhaps the more accurate turning point for the launch of fourth wave terrorism occurred in 1979 when three events in the Islamic world planted the seeds for the beginning of this extreme

fundamentalist cause. During this year, the Iranian Revolution occurred, a new Islamic century began, and the Soviet Union invaded Afghanistan.

Invited by the anti-Shah revolution that was already in progress, Ayatollah Khomeini returned to Iran from exile in France on February 1, 1979. He declared that his revolution altered relationships among all Muslims as well as between Islam and the rest of the world.²⁵ Some Muslims had always believed that the year would be significant because one Islamic tradition holds that a redeemer will come with the start of a new century.²⁶ Later that same year, in November, the American embassy in Tehran, Iran, was attacked and seized. Hostages were taken and American soldiers lost their lives in an attempt to rescue them. The Iranians inspired and assisted Shiite terror movements outside of Iran, particularly in Iraq, Saudi Arabia, Kuwait, and Lebanon. In Lebanon, Shiites introduced suicide bombings with surprisingly successful results, ousting American and other foreign troops that had entered the country. Meanwhile, resistance to the Soviet invasion of Afghanistan, subsidized by U.S. aid and strengthened through volunteers from all over the Sunni world, began, which forced the Soviets out by 1989. Religion had eliminated a secular superpower, an astonishing event with important consequences for the future.

Fourth-wave terrorism is vastly different from the other three (democratic reform, national self-determination, and secular change) for several reasons. It is inspired by an anti-secular ideology. The unifying theme is a return to (or establishment of) a truly pure Islamic entity (caliphate) in which the prevailing concept of church and state is eliminated and even considered evil. Two reasons make it more dangerous than earlier terrorist waves. First, the ideas of these terrorists are attractive to a large number of

religious adherents at the spiritual and cultural level. Second, the vision of these terrorists is exactly opposite of/in contrast with the current international state system. It is a fundamental challenge to the system of democracies that exist today.

Osama bin Laden and Al Qaeda

One of the main leaders and financiers of the Afghan and Arab resistance to the Soviet invasion of Afghanistan was Osama bin Laden. His exposure to the teachings of conservative Islamist scholars in Saudi Arabia and his work with Arab militants in Afghanistan provided the theological and ideological basis for his belief in the desirability of puritanical Islamic reform in Muslim societies and the necessity of armed resistance in the face of aggression. This “defensive jihad” concept became the community building Islamic principle adopted by Al Qaeda.²⁷

The August 1990 Iraqi invasion of Kuwait apparently turned bin Laden from de-facto U.S. ally against the Soviet Union into one of its most active adversaries. He lobbied Saudi officials to not host U.S. troops to defend against an Iraqi invasion, arguing instead for the raising of a “mujahedin” army to oust Iraq from Kuwait. His idea was turned down by the Saudi government.²⁸ Bin Laden characterized the presence of U.S. and other non-Muslim troops in Saudi Arabia after the 1991 Gulf War as cause for renewed commitment to defensive jihad and the promotion of violence against the Saudi government and the United States. He criticized the Saudi royal family publicly and alleged that their invitation of foreign troops to the Arabian peninsula constituted an affront to the sanctity of the birthplace of Islam and a betrayal of the global Islamic community.²⁹

In 1996, bin Laden stated in his declaration of jihad against the United States, “Your brothers in Palestine and in the land of the two Holy Places are calling upon your help and asking you to take part in fighting against the enemy - your enemy and their enemy - the Americans and the Israelis. They are asking you to do whatever you can, with your own means and ability, to expel the enemy, humiliated and defeated, out of the sanctities of Islam.”³⁰ Cleverly adopting the sensitive and historical imagery of Islamic resistance to the European Crusades, bin Laden called on his Muslim brothers to join together against the enemy, Jews and Christians.

In 1998, he issued a fatwa, or religious edict, declaring that the U.S. had made “a clear declaration of war on God, his messenger, and Muslims” through its policies in the Islamic world. The statement also announced the formation of “The World Islamic Front for Jihad Against Jews and Crusaders.”³¹ In August of that same year, Al Qaeda claimed responsibility for the bombings of U.S. embassies in Kenya and Tanzania, which killed about 300 people. These actions showed that bin Laden’s mobilization of Al Qaeda invigorated calls for jihad by others and consequently seized the initiative from other radical Islamic groups. By stating that the U.S. had made a declaration of war on God, not just Muslims, he attempted to strike at the heart of all believers of Allah to defend against the “Great Satan” of the United States. Finally, he called on all Muslims, in compliance with Allah’s order, to “kill the Americans and their allies – civilians and military -- ...in order to liberate the holy mosque from their grip.”³² Following the Al Qaeda bombing of the U.S.S. Cole in Yemen (2000), bin Laden refused to take direct responsibility for the attacks, but claimed that he approved of the strikes and shared the motivations of the individuals who carried them out.

On 11 September 2001 bin Laden's longstanding threats to attack Americans on American soil came to fruition. Three primary objectives of those attacks are outlined in a text attributed to Al Qaeda military commander Sayf Al Adl. The main objective was to carry out a damaging strike against the United States in retaliation for its perceived aggression in the Islamic world. The second objective was to signal and support the "emergence of a new virtuous leadership" dedicated to opposing "the Zionist-Anglo-Saxon-Protestant coalition" that Al Qaeda blames for a litany of social and political ills in the Islamic world. The third and "ultimate objective" was to "prompt the U.S. to come out of its hole" in order to make it easier to attack elements of U.S. power and to build its "credibility in front of [Islamic] nation and the beleaguered people of the world."³³

This is precisely when the United States reacted globally, on a large scale militarily, to the terrorists, changing the national strategy to name terrorism as the number one threat to the country. This threat, this enemy, is the Islamic extremists led by, inspired by, and/or financed by Al Qaeda and its leaders, most specifically Osama bin Laden. President Bush said in his address to Congress on 20 September 2001, "Our war on terror begins with Al-Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found."³⁴ Bin Laden is not the sole leader of the enemy of the United States and defeating or destroying him would not defeat the enemy. However, as described above, he was the leader that inspired the movement and his beliefs and ideology continue to fuel it.

Goals of the enemy

In order to better understand how to win a war, one must look at the overall goals and strategy of that enemy. By discovering and deciphering the root causes and core beliefs of the extremists, the United States can better develop a strategy to defeat them.

These goals are much more far reaching than just terrorizing the United States and killing its citizens. Bin Laden professes that after the infidels have been expelled from the land of Islam, he foresees the overthrow of current regimes across the Muslim world and the establishment of one united government strictly enforcing Sharia, or Islamic law. He envisions a caliphate reaching from Southeast Asia through the Middle East to the fringes of Western Europe and enveloping Africa. This government would then possess the majority of the world's proven oil reserves and the nuclear bomb. In an interview with TIME Magazine in 1998, when asked if he was trying to acquire nuclear and chemical weapons, bin Laden replied, "If I seek to acquire these weapons, I am carrying out a duty. It would be a sin for Muslims not to try and possess the weapons that would prevent the infidels from inflicting harm on Muslims."³⁵

His war strategy is to create sufficient enough instability to bring about an Islamic revolution. He has stated that "it is unwise in the present circumstances" for the Muslim armies to fight a conventional war against the U.S. "due to the imbalance of power." Rather he says, "a suitable means of fighting must be adopted...that work under complete secrecy." Finally, he connects the crumbling of the Soviet Union to the defeat in Afghanistan when he stated "There is a lesson here. We are certain that we shall prevail over the Americans and over the Jews...Instead of remaining the united states, it shall end up separated states."³⁶ Al Qaeda's core goal has not been to kill Americans in

general, but to effect political change within the Muslim world. Army General John Abizaid reiterated this as recently as 29 September 2005, while speaking during Senate testimony when he said “they believe in a jihad, a jihad to overthrow legitimate regimes in the region.” He further testified that re-establishing a caliphate would mean that one man, as the successor to Muhammad, would possess clear political, military and legal standing as the global Muslim leader. This would “certainly allow Al Qaeda and their proxies to control a vast oil wealth that exists in the region.”³⁷

Bin Laden fancies himself a modern-day Saladin, the Muslim commander who liberated Jerusalem from the Crusaders. It is a powerful message to many Arabs who otherwise see a future bereft of pride. “Islam is the Solution” is the slogan of the Islamic movement, and to many it seems a better bet than the Arab nationalism that has brought them poverty, corrupt governments or both. It is the religious convictions of bin Laden and his followers that make him so dangerous. To the average American the killing of infidels in the name of Allah sounds crazy. To the extremist follower of bin Laden, it is the opposite. There is one objective. With a God they perceive to be admiringly urging them on, that goal is to kill an enormous amount of people and humiliate the Satanic power of United States. Bin Laden and his associates have no restraint. They are limited only by their capabilities, which the “U.S. has now decided it has no choice but to destroy.”³⁸

BACKGROUND ON U.S. NATIONAL STRATEGY ON TERRORISM

President Bush's first National Security Strategy report declared that defending the nation against its enemies is the first and fundamental commitment of the federal government. In the wake of September 11, 2001, it further defines the greatest threat to national interests as terrorism and identifies its main objectives of defending the peace by preemptively fighting terrorists and tyrants.³⁹

Previous National Security Strategy reports dating back to the Goldwater-Nichols Act of 1986 similarly outlined strategies and were used to define worldwide interests, goals and objectives of the United States but none were primarily focused on national strategies to combat terrorism. However, national efforts to combat terrorism were in effect and derive from a series of Presidential Directives dating back to 1982. As the effectiveness of the threat to national interests increased, so too has the national focus on a strategy to defeat terrorism. To date, since July 2002, 13 other national strategies relating to terrorism have been developed and published to further guide various departmental strategies to defeat terrorism.

The following discussion will explore the origins and development of a national security strategy to combat terrorism. It will outline specific directives and policy changes in relation to the changing threat over the last twenty-five years. It will conclude with a brief assessment of the constellation of strategies now in place.

Pre-Goldwater-Nichols Act of 1986 (1982-1986)

While the overwhelming focus of U.S. strategy in the early 1980's was on containment of the Soviet Union, two National Security Decision Directives (NSDD)

issued by President Reagan specifically addressed terrorism. One came in the wake of the Iranian hostage crisis in 1979-80 and the second after the truck bomb explosion of the headquarters of the Marine Battalion Landing Team at Beirut airport.

NSDD 30, dated 10 April 1982, stated that “The United States is committed, as a matter of national policy, to oppose terrorism domestically and internationally.”⁴⁰ It further established an Interdepartmental Group on Terrorism chaired by the Department of State for the development of overall U.S. policy on terrorism and defined the Lead Agencies that will have the most operational role in dealing with the particular terrorists at hand: the State Department for international incidents, the Department of Justice for terrorist incidents which take place within U.S. territory, and the FAA for hijacking within the special jurisdiction of the United States.⁴¹

On April 3, 1984, President Reagan signed NSDD 138 which stated that “the U.S. government considers the practice of terrorism by any person or group in any cause a threat to our national security.”⁴² It began to broaden the international requirements for defeating terrorism by stating that “no nation can condone terrorism” and that “terrorism is a problem for all nations.”⁴³ Finally, it listed information sharing between nations, the payment of rewards for capturing terrorists, and the prohibition of training terrorists as policies intended to create a mechanism for managing the war on terrorism.

Both NSDD 30 and NSDD 138 said more about the emotionalism surrounding the issue of terrorism than about the threat it posed. As horrendous as it was, the suicide bombing of the Marines had not threatened the national security. The threat to American lives was enough to take up arms against terrorists but NSDD 138 did little to clarify the administration’s thinking on the subject. According to Noel Koch, the Defense

Department's director of special operations at the time, NSDD 138 "was simply ignored. No part of it was ever implemented."⁴⁴

Goldwater-Nichols Act of 1986 (1986-1995)

One of the fundamental changes legislated by the Goldwater-Nichols Act of 1986 was the requirement for the President to submit an annual comprehensive report to the United States Congress on the national security strategy of the United States. Serving as a unifying document for the national government, this report provided information in four areas: the worldwide interests, goals and objectives of the United States; the foreign policy and national defense capabilities; the proposed short-term and long-term use of elements of national power; and the adequacy of the capabilities of the United States to carry out the national security strategy.⁴⁵ Dealing with the conclusion of the Cold War and the radically transforming environment, the national security strategies began to change focus from containment of the Soviet Union to the unpredictable conflicts of the future.

The 1987 report identified the Soviet Union as the "most significant threat to U.S. security and national interests" but also recognized terrorism as an additional threat "which is particularly insidious in nature and growing in scope."⁴⁶ It drew a link between the Soviet Union and the growth of global terrorism through the destabilization of international threats and problems, but did not detail specific regions, nations or threats.

The 1988 report contained three major additions. It outlined separate strategies for each region of the world. Additionally, it placed an emphasis on all the elements of national power in order to provide an integrated strategy. Finally, in anticipation of the

end of the Cold War, it acknowledged threats in the Middle East, Central and South America and Southeast Asia with particular focus on the threat created by the proliferation of nuclear weapons.⁴⁷ The strategy began to show signs of shifting from a bi-polar focus but fell short of identifying terrorism as a possible credible threat to national security.

Through the first Iraq War and the next two Presidential elections, the national strategy against terrorism did not change significantly. Then in February 1995, President Clinton's National Security Strategy represented the first true post-Cold War strategy and reflected the changed global landscape by establishing three central goals: credibly sustaining America's security with military forces ready to fight, bolstering America's economic revitalization, and promoting democracy abroad.⁴⁸ It highlighted the rise of transnational terrorism, rapid population growth and refugee flows as threats to global and U.S. security. It also stressed the need to use preventive diplomacy and selected engagement as the primary tools for achieving U.S. goals and objectives. This report reflected a significant shift in U.S. security thinking and direction but remained vague identifying specific enemies and therefore fell short in achieving forward progress against terrorism.

On 21 June 1995, President Clinton signed Presidential Decision Directive (PDD) 39 signifying a focused change in the national strategy on terrorism. This *U.S. Policy on Counterterrorism* stated "it is the policy of the United States to deter, defeat and respond vigorously to all terrorist attacks on our territory and against our citizens, whether they occur domestically, in international waters or airspace, or on foreign territory."⁴⁹ While the attempted bombing of the World Trade Center in February 1993 might have had some

impact on the nation's new perspective, it is clear that the April 1995 bombing of the Federal Building in Oklahoma City provided the first real sense that the homeland was not safe anymore. However, this incident might have focused the public more on the domestic threat than the international threat, particularly because it was much more successful in its effects. Additionally, it validated the belief at the time that terrorist acts were criminal and not acts of war.

PDD 39 directed four steps be taken to ensure that the U.S. was prepared to combat domestic and international terrorism in all its forms: reduce vulnerabilities, deter terrorism through a clear and public position, rapidly and decisively respond to terrorism when it is directed against the U.S. wherever it occurs, and give the highest priority to detect, prevent, defeat and manage the consequences of weapons of mass destruction. Finally, the directive allowed for the "return of suspects by force ... without the cooperation of the host government" when the U.S. does not receive "adequate cooperation."⁵⁰

A Policy Shift (1998-2001)

On 22 May 1998, President Clinton signed PDD 62 and PDD 63. PDD 62 established the Office of the National Coordinator for Security, Infrastructure Protection and Counter-Terrorism within the National Security Council.⁵¹ PDD 63 defined the critical infrastructures as "those physical and cyber-based systems essential to the minimum operations of the economy and the government."⁵²

On 7 August 1998, the U.S. Embassies in Kenya and Tanzania were bombed. Over 250 people died and more than 5,000 were injured. On 20 August 1998, the United

States launched missile strikes against training bases in Afghanistan used by groups affiliated with radical extremist Osama bin Laden. The United States had bombed terrorist targets in the past in retaliation for anti-U.S. operations (Libya in 1986, Iraq in 1993) but this entailed bombing training camps that were not directly associated with the Embassy bombings. This was the first time the government had given such public prominence to the preemptive, not just retaliatory, nature of a military strike against a terrorist organization.⁵³ This signified a more proactive global counter-terrorism policy and proved for the first time that the United States would no longer play passive defense. These preemptive strikes put into action President Clinton's policy of deter, defeat and respond.

On 30 December 1998, the Attorney General submitted to Congress a Five-Year Interagency Counter-Terrorism and Technology Crime Plan. The plan identified several high-level goals aimed at preventing and deterring terrorism, maximizing international cooperation to combat terrorism, improving domestic crisis and consequence planning and management, improving state and local capabilities, safeguarding information infrastructure, and leading research and development efforts to enhance counterterrorism capabilities.⁵⁴ Although primarily a federal planning document, it had important implications for state and local governments, particularly as first responders to crises. The Attorney General stated that PDDs 62 and 63 and this Five Year plan are to be viewed as complimentary,⁵⁵ thus establishing three general policies to compliment the 1998 National Security Strategy.

Post September 11

The current National Security Strategy of the United States of America, published 17 September 2002, clearly represented a fundamental change in the strategic thinking and direction of the United States. This change was once again driven by the changing character of the threats facing the United States. The 2002 *National Security Strategy* offers three goals for U.S. national security as identified in the following quote:

The U.S. national security strategy will be based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of the strategy is to help make the world not just safer but better. Our goals on the path to progress are clear: political and economic freedom, peaceful relations with other nations, and respect for human dignity.⁵⁶

The report further states that the “United States possesses unprecedented – and unequalled – strength and influence in the world.”⁵⁷ Some will argue that this emphasis, combined with the recent and ongoing U.S. military operations, suggests that the U.S. prefers unilateral over multilateral action. However, a more in depth look reveals that this strategy is built on the foundation of leading the world in strengthening, maintaining and developing new alliances against global terrorism. It further states that “since the United States is a concerned nation it will be involved in regional disputes, along with friends and allies, to alleviate suffering and restore stability.”⁵⁸

At its core, this strategy differs from all previous national strategies against terrorism in terms of tone. The new emphasis on and broader definitions of “preventive war” and “preemptive attack” display a controversial aspect of the report. The strategy proposes expanding the true concept of striking first against an imminent attack to implementing all elements of national power to prevent a longer term threat from even

developing. Continued reliance on the military instrument of power to prevent this long term threat may destabilize the world more and divide the nation from its moderate allies.

Prior to September 11, the national strategy to combat terrorism was defined through a collection of Presidential directives, a Department of Justice planning document, and a few paragraphs in Presidential National Security Strategies. As the threat of terrorism grew from a credible yet small scale threat on American lives in the early 1980's to an emerging danger to American lives and interests overseas in the 1990's to the deadly consequences to the American way of life after the major attack of the World Trade Center and the Pentagon in 2001, so too did the national focus. The national strategy evolved as the threat and success of the enemy did. Many argue that while the U.S. took some action prior to September 11, foreign terrorists were waging war against the United States, but the United States was determined to not wage war back. This all changed in the autumn of 2001.

National interests could no longer be protected from the globally emerging threat of terrorism through containment, deterrence, or reaction. In order to counter this new asymmetrical threat, the nation needed to change its strategic paradigm. The 2002 National Security Strategy and the multitude of additional departmental strategies to fight terrorism have significantly shifted the paradigm to a proactive, preemptive approach to meet the demands of a new, more dangerous world.

COUNTER-TERRORISM STRATEGIES OF OTHER COUNTRIES

Americans tend to think of the 9/11 attacks as a unique, history changing event. This first successful international terrorism on U.S. soil caused the United States to go through a sharp transition in how it dealt with international terrorism. However, mass casualty terrorist attacks had long been going on in countries worldwide. Several nations had been dealing with and responding to them for decades. Keeping in mind that nations differ in their problems, leadership, resources and culture, what worked in one country may not work in another. Nevertheless, lessons learned in counterterrorism efforts can offer valuable insight across international boundaries. It is important to study both the present day strategies and the history behind the changing strategies of other nations in order to draw solid conclusions.

This section will take a look at the established and changing ways of dealing with terrorism implemented by Great Britain, Spain, Israel, and Germany, and provide insight into some of the successful and unsuccessful methods used, ultimately to compare with the United States policies. It will not examine the merits or causes of terrorist acts in other countries, it will only look at the tactic of terrorism and how the countries have attempted to stop it. The use of violence against civilians or noncombatants for a political goal will be the broad definition of terrorism used in this context.

Great Britain

The United Kingdom's policies on terrorism are derived from their history with mainly two types of terrorism: the domestic threat from the Irish Republican Army (IRA) since the late 1960s, which has produced perhaps the oldest and bloodiest struggle

against terrorism in Europe, and the rising international threat, particularly from Islamic fundamentalist extremists most recently displayed in the 7 July 2005 London bombings. Britain's counterterrorism legislation has evolved in response to the perceived threat of terrorism. Beginning with the *Prevention of Terrorism Act 1974*, through the substantive change when the *Terrorism Act of 2000* was passed by Parliament, and concluding with the *Anti-Terrorism, Crime and Security Act 2001*, the government has acted swiftly and boldly in countering terrorism.

The prevailing view at the time of the *Prevention of Terrorism Act of 1974* was that terrorism was a criminal, not a political, act.⁵⁹ This view continued until 2001. The definition of terrorism applied was "the use of violence for political ends, and includes the use of violence for the purpose of putting the public or any section of the public in fear."⁶⁰ However, it was applied only to Irish and international terrorism and written to be temporary since both were originally viewed as only transient problems. Any powers granted under this act were temporary in order to ensure that they would not become regularized and infringe on basic civil rights. As a measure to ensure these civil rights were protected, Britain's counterterrorist laws had to be renewed on an annual basis.

The *Terrorism Act of 2000* addressed the omission of non-Irish domestic terrorism from the earlier legislation and made most of its provisions permanent. The act extended permanent nationwide antiterrorist legislation by replacing the existing temporary legislation for Northern Island and Great Britain. It extended the definition of terrorism to include those who exploit it solely for political gain, strengthened the power of the police and the judicial force and annotated specific offenses connected with terrorism.⁶¹ The *Anti-Terrorism, Crime and Security Act 2001* strengthened the

government's power to detect and prosecute terrorists and undermine terrorist and criminal networks by adding measures to cut off terrorists from their funds, ensuring better information sharing between intelligence and security agencies, and tightening security in relation to aviation and civil nuclear sites.⁶²

The Secretary of the Home Office is responsible for all security and counterterrorism issues. Within the Home Office, responsibility for terrorism policy falls under the Organized and International Crime Directorate and within that directorate is the Terrorism Protection Unit (TPU). In line with the view that terrorism is a criminal act, responsibility for responding to, investigating, and prosecuting a terrorist act falls to the local police authorities. The police may then call in whatever additional resources they deem necessary including local and national government, intelligence, or military. However, any decision to launch an assault against terrorists requires the Prime Minister's approval.

The police have far-reaching powers to arrest, detain, stop and search, seize assets and cordon off areas in relation to suspicions of terrorist activities. These powers are available to them not just to contain or investigate an incident but also to prevent incidents. The authority to detain a suspect extends beyond just if the suspect has acted or threatened to act. It extends to any person who displays public support for a prescribed organization or any person who hinders any investigation. It allows for the arrest and detainment of any person who had knowledge or financial insight into any terrorist act or any person who "tips off" the suspect in an investigation. All are prosecuted under the law as terrorists.

The local responsibility for handling terrorists extends beyond just the law enforcement and judicial system. The long history of having to deal with the terrorist threats from the IRA has forced the government and businesses to establish procedures to deter against attacks by minimizing the threat. A majority of government offices are built with blast resistant ground floors. Office layouts are away from exterior windows and access to many buildings is tightly controlled. These measures are designed to both make the office a less attractive target and to minimize the consequences of a terrorist attack should one be launched. Contingency plans for bomb attacks, hostage taking, chemical and biological weapons attacks, nuclear incidents, etc., have been formed over the years. Key to the effectiveness of these plans is adherence to a single set of standard operating procedures (SOPs). Police authorities throughout the United Kingdom use the same set, as do the emergency services, government ministries, the military, and the security services. Finally, training plays a major role in ensuring that the SOPs can be implemented smoothly. Each year, there are twenty one-day training exercises coordinated by the Home Office Terrorism Protection Unit.⁶³

The long struggle with the IRA also caused the British to accept other trade-offs that many Americans may not be ready to accept. In the 1980s, the IRA began a bombing campaign aimed at the leaders of the countries and was almost successful in killing Prime Minister Thatcher. That incident and the statement later that day issued by the IRA along the lines of “you were lucky today, but just remember you have to be lucky everyday, we only have to be lucky once” changed the attitude of the populace and enabled the government to make drastic changes in order to protect its leaders and its citizens. One of the major changes was reducing the size of London’s financial hub by

consolidating into a smaller number of buildings. The over one hundred streets leading into the city is now reduced to less than twenty. As new technologies developed, so too did surveillance, especially through closed circuit television cameras. Government and businesses bought them by the thousands and now a person living and working in London can be expected to be filmed dozens of times each day either by police or privately run security cameras.⁶⁴ By and large, the public of Britain understands that these things are there to protect them against serious threats and have accepted them as just the way of life.

The British government has a long history of having to deal with terrorist threats, be it from Irish terrorism, independence groups, or international groups that object to Britain's foreign policy stance. This experience has forced them to develop certain measures which define their strategy of counterterrorism. Through legislation, the British have instituted a legal definition of terrorism and declared it a criminal act. The principle government structures for dealing with criminal acts are the police forces and the criminal justice system. Institutional organizations like the TPU have been developed that delineate specific responsibilities at the federal level all the way down to the local level. These responsibilities have extended the powers of the police force giving them much greater authority than the U.S. legal system allows for its police forces. Finally, through reducing the amount of soft targets, increasing public awareness, instituting twenty-four hour surveillance in most public places, and training nationally for contingency response the British have deterred the terrorists and minimized their ability to successfully conduct such acts. Even though the July 2005 London attacks proved that perhaps no system is one hundred percent effective in preventing attacks, much can still

be learned. By studying these methods of deterrence, preparedness, and training and also through successfully understanding the roles and powers of their police and judicial systems, the United States might discover alternative methods when developing its own strategy of counterterrorism.

Spain

Domestic terrorism has tormented Spain since the formation of the Basque Fatherland and Liberty group (ETA) in the late 1950s. The ETA, which aims to create an independent state in the Basque country, has been responsible for numerous bombings, assassinations of government officials, and attacks against tourists killing more than eight hundred people. International terrorism put Spain in the spotlight on 11 March 2004, when ten bombs exploded on four different trains in Madrid, killing 191 people and injuring thousands more. Spanish support of the United States in the war on terrorism is, in principle, unconditional. Even though they did pull out of Iraq, they remained in Afghanistan. Through understanding the historical culture of their population and recognizing their rule of law, one can see why, in a few areas, their strategy of handling terrorism is vastly different than that of the United States.

The Spanish government's most significant step toward fighting the domestic terrorism problem presented by the ETA occurred in 1978 with a law that limited the military jurisdiction and empowered the police. After the adoption of the 1978 Constitution, the police force was given a much more serviceable policy to combat terrorism than what Spain had been following before. Specifically, Article 55 stated "with the necessary judicial intervention...the rights (home, privacy, secrecy of

communication) may be suspended for certain persons with respect to investigations having to do with activities of armed bands or terrorist elements.”⁶⁵

Second, the government has also tried to undermine the internal cohesion of the terrorist group by offering pardons, separating terrorist prisoners, and promising reintegration of the prisoner into society if he or she collaborates with the Justice Department.⁶⁶ Lastly, beginning in the early 1980s, the French and Spanish governments began to talk and exchange information on terrorism. In 1983, they established a permanent system of informal consultations and a ministerial seminar every six months.⁶⁷ To the public, the message is that the one and only policy in relation to the ETA is police action. However, it is commonly suspected that the government has kept the back door open by negotiating with leaders of the ETA.⁶⁸

Whether it was the policies of the government or the emergence democratically of the Basque party, the number of ETA terrorist incidents has decreased dramatically since the peak that Spain experienced in the late 1970s and early 1980s. Economic prosperity appears to have contributed to creating stability. The cooperation between countries, as well as between the police and the political agencies, has been crucial in making their domestic counter-terrorism measures effective.

Christian, Jews and Muslims lived together under Muslim rule until the reconquest of Spain by Christian armies in 1492 when the Jews were expelled and the Muslim government dissolved. Religious intolerance continued as the new Christian government began to fear that the local Muslims might assist another Muslim invasion. As uprisings occurred the government began expulsions of Muslims in 1502. Arabic quickly lost its place in southern Spain's everyday life, mosques and synagogues were

converted into churches and the population was gradually converted to Roman Catholicism.⁶⁹ However, the loss of Muslim ruled territory was not forgotten. Following the Madrid train bombs in March, 2004, a videotape recovered at one of the bombing suspect's apartment revealed that the suspects had vowed revenge for the loss of al-Andalus in 1492.⁷⁰ The suspects had another goal in mind also. They wanted Spain to take its troops out of Iraq. The bombings came three days prior to the national election. The population was upset that the government first blamed the Basque party and resisted blaming al Qaeda. Also, many rejected the Iraq – al Qaeda tie and saw Iraq as an unjust war. The country responded by electing socialist candidate Jose Luis Rodriguez Zapatero who had made a campaign promise to pull the troops out of Iraq. After being elected, he did.

Spain's socialist government also relaxed immigration laws declaring amnesty for illegal immigrants already in the country. Some Americans and other allies in the fight against terrorism viewed this as going soft and making concessions to terrorists. Spain had an entirely different message in mind. The message to the Muslim world was that we're all in this together. The government wanted everyone to know that it did not perceive the war on terrorism as a clash of civilizations. Its views are that the enemy is not Islam nor the Arab immigrant but rather those who are devoted to crime, particularly organized crime such as terrorism. Spain's view is that fighting poverty and oppression in the Muslim world is more effective at stopping terrorism than waging wars. It is yet to be known how effective this strategy will be, but Spain's Islamic commission issued a fatwa, condemning bin Laden as a Muslim heretic and calling on Muslims to fight actively against terrorism.⁷¹ To date, no more terrorist acts have occurred in Spain.

Israel

Since its establishment in 1948, Israel has fought international and Palestinian terror at its borders, inside Israel itself and in the Arab states surrounding it. The many years of experience in dealing with terror and terrorist activity has compelled the development of technological means, military doctrine and general policy for counterterrorism. *The Prevention of Terrorism Ordinance No. 33 of 5708-1948*, with amendments in 1980, 1986, and 1993, stands as the official legislation governing the handling of terrorism for Israel. This ordinance defined a “terrorist organization” as a “body of persons resorting in activities of violence calculated to cause death or injury to a person or to threats of such violent acts.”⁷² It further declared that the military court shall hold the jurisdiction for the trial and judgment of anyone committing a terrorist act. This authority was subsequently changed in the 1980 amendment and transferred the power to the Minister of Justice vice the Minister of Defense.⁷³ The 1986 and 1993 amendments were administrative in nature and made no significant changes to the legislative policy.

In the 1950s, Israel initially attempted to thwart terror raids through diplomatic channels, using force solely to fend off attacks within its own territory. This proved unsuccessful and in 1953 the Ben-Gurion government authorized reprisal raids which were often carried out in neighboring states.⁷⁴ Its main rationale was to deter Arab governments from aiding and hosting any terrorist groups. However, from its inception, those who developed Israel’s counter-terror policy were well aware that terrorism could not fully be wiped out. In 1955, Chief of Staff General Moshe Dayan said “We cannot guard (everything)...But it is in our power to set a high price on our blood, a price too high for the Arab community, the Arab army or the Arab government to think worth

paying.”⁷⁵ This limited counter-terror goal was due to the fact that Israel leaders viewed terror as a tactical rather than a strategic threat.

Defensive measures were also undertaken at quite an early stage in Israel’s fight against terrorism. Israel built up fortified outposts along its borders, created minefields along easily accessible crossing routes and supported these outposts and minefields with lightly armored patrols all to stop Arab terrorist access into Israel. This perimeter defense system has “continually expanded to incorporate such assets as ultra-sophisticated electronic equipment, maritime and airborne reconnaissance, border fences and patrol roads.”⁷⁶ This perimeter defense system has not been able to stop all cross-border terrorist attacks over the years but has probably lowered the number of overall successful attempts. Thus, Israeli counter-terror policy was generally defined as a strategy of retaliation and prevention based on deterrence.

Following the Six Day War in 1967, the three branches of Israeli intelligence gained major responsibilities in fighting terror. These three branches are: 1) the General Security Service (GSS); 2) the Israeli Defense Force (IDF) Intelligence Branch; and 3) the Institute for Intelligence and Special Tasks, commonly referred to as Mossad.⁷⁷ The GSS in particular set up a major HUMINT (human intelligence) network of Palestinian collaborators. Additionally, the government extensively enforced the use of the *1945 British Defense (Emergency) Regulations*. This enabled the Israelis security services to carry out extensive interrogations of security detainees, but often at the expense of their human rights. According to the regulations, individuals could be detained without charge or trial for a period of six months. Furthermore, these detentions would be reviewed at the end of the six months and could be renewed for an indefinite amount of time.⁷⁸

Israeli security officials could effectively detain indefinitely any suspect without any legal representation or judicial hearing.

In 1977, with the election of the right-wing government, Israel shifted its counter-terror strategy from tit-for-tat retaliation to sustained counter-terror operations. Preventive, as well as preemptive, operations began to be carried out by not only Special Forces units, but also increasing numbers of regular infantry, armor and artillery units. Until this time, terrorist acts had been normally punished with limited forces, such as Special Forces reprisals against families of terrorists. This was a sign that for the first time Israeli security policy saw the terrorists as a strategic danger, no longer just a tactical nuisance. The Palestine Liberation Organization (PLO) was in disarray and no longer had any local or international support. This new strategy appeared successful leading all the way to the Oslo Peace Process beginning in 1993.

By the late 1990s, the Israeli government began to disassociate the peace process from reactions to terrorist attacks against Israel and continued to employ operations through various punitive and collective measures. The number of shooting incidents dropped from around 1000 in 1992-1996 to 250 in 1996-1999 and the number of Israelis who were killed in terrorist attacks fell from 245 to 70.⁷⁹ However, this came at the price of Palestinian human rights and led to the beginning of the Al-Aqsa intifada in September 2000. Subsequently, the Barak government, which came close to a peace agreement at Camp David, lost all credibility in the eyes of the Israelis for failing to retaliate for the Al-Aqsa intifada and lost the election by the largest margin in Israeli history.⁸⁰

The ushering in of Ariel Sharon saw the violence escalate, possibly due to the fact that the majority of the Israeli population hardened their resolve in wanting to combat the

Palestinian aggression. The military response has been even greater than in any previous Israeli-Palestinian flare-ups. In April 2002, in response to the Seder Night Massacre, Sharon declared that Israel was in a “state of war,” which entailed a substantial increase in the size and depth of the IDF’s military operations.⁸¹ The Israeli Defense Force reports that since 2000 over 20,000 terrorist attacks have occurred and that over 7,500 Israelis have been injured with over 1,000 being killed.⁸²

Israeli counter-terrorist activity consists of three main components. First, offensive measures are initiated by the army and security forces against terrorist targets in their area. Following the decision to carry out a strike against terrorist bases, the Israelis have several options, including aerial bombardment and ground incursion. In addition to conventional response, another objective of the counter-terrorist strategy is a precise strike at the leaders of terrorist organizations.

Second, defensive operations are meant to put obstacles in the way of terrorist squads and disrupt their attempts to launch terrorist attacks. The three basic aims are deterrence through retaliation, warning through intelligence and prevention. Armed security, constant surveillance, and restricted access to the majority of governmental and business buildings are a way of life accepted by the public. Furthermore, while the principle of self-defense can be applicable to retaliation, the Israelis take it a step further and incorporate preemption. As a result, in order to prevent the deaths of innocent civilians, Israel has conducted a campaign of “targeted killings” and thus eliminated known terrorists who have undergone all the training in preparation for suicide bombings.⁸³

Third, punitive measures are aimed at punishing the planners and supporters of terror attacks and their organizations. This includes not only the imprisonment of terrorists but also the administrative detention, exile, and the sealing and destroying of houses of proven terrorists, their families, and their supporters.⁸⁴ One interesting note is that despite their violent nature when it comes to retaliatory attacks, the Israelis are opposed to the death penalty in principle and do not invoke it through the punitive process even though Israeli law permits it.⁸⁵ Their reasoning is threefold: the terrorist who embarks on an attack is not deterred by the death penalty; the death sentence would deprive Israel of an important future negotiation tool; and an executed terrorist would be regarded as an Islamic martyr.⁸⁶

Germany

Until 2001, the German government's primary experience with terrorism had been with domestic groups. Virtually all of the terrorist activity was home-grown coming from various generations of the Red Army Faction (RAF), the Revolutionary Cells (RZ), and other groups. The focus on foreign groups amounted to little. Consequently, Germany viewed terrorism as a crime against the state and pursued the suspects and their groups primarily internally through the domestic police. This all changed with the attacks on the United States of America in 2001.

Since World War II, West Germany and then Germany took great actions to ensure the civil liberties of its citizens. In Europe, it has been known for its relatively liberal asylum policy and its far-reaching freedoms to religious associations. With its landlocked status, open borders and large Muslim population it became a possible

breeding ground for international terrorist cells. Terrorists were able to take advantage of Germany's liberal asylum laws, as well as strong privacy protections, and rights of religious expression which protected activities in Islamic Mosques from surveillance by authorities.⁸⁷

Investigations after 9/11 indicated that three of the four pilots of the planes attacking the World Trade Center and the Pentagon had previously lived in Hamburg. Taking advantage of the liberal asylum policies and the low level of surveillance by authorities, several other Al Qaeda members and plotters lived in Germany and used the country as a key hub for the transnational flow of persons and goods.

Germany responded by implementing changes effecting both its domestic and international handling of terrorists. Germany's new counterterrorism strategy, as outlined by Chancellor Gerhard Schroeder in his speech to the United Nations on 23 September 2003, consists of destroying terrorist's infrastructure; preventing the proliferation of weapons of mass destruction; addressing the root causes of terrorism and security; and not focusing only on military and police aspects.⁸⁸

On 12 September 2001, the German government invoked NATO's Article V and in May 2003, the Ministry of Defense issued new "Defense Policy Guidelines" gaining approval for the significant deployment of German troops globally for the first time since World War II. This showed their strong recognition of the international threat of terrorism and stated their beliefs in a multi-lateral approach to defeating terrorism. It also significantly confirmed Chancellor Schroeder's stated goal of destroying terrorist's infrastructure. Since then, several thousand troops have served abroad, primarily providing assistance to the United States in Afghanistan. However, Germany has a

different view than the United States concerning Iraq. Concurrent with their public opinion, the German government has opposed the war and rejects the linkage between Iraq and the war on terrorism.

Domestically, the German government has adopted three significant legislative changes aimed at strengthening their own capabilities. The first anti-terrorism package, approved in November 2001, targeted loopholes in German law that permitted terrorists to live and raise money in Germany.⁸⁹ It revoked the immunity of religious groups and charities from investigation or surveillance, strengthened the border and air traffic security and significantly restricted the ability of terrorists to enter and live in Germany. Finally, it changed the previous law, now allowing for terrorists to be prosecuted in Germany even if they belonged to terrorist organizations acting only abroad.

The second package provided new laws allowing German intelligence and law enforcement agencies greater latitude to gather and evaluate information. In fact, it allows for profiling as an acceptable means for identifying likely terrorists.⁹⁰ Since then the *Report on the Protection of the Constitution 2004* indicates that 31,000 German residents are thought to be members of Islamic organizations with extremist ties.⁹¹ These legislative reforms also gave authority to the Federal Bureau of Criminal Investigation (BKA) to lead its own investigations. Prior to the new laws, the authority was shared with the Federal Bureau for the Protection of the Constitution (BfV) providing a system of checks and balances.⁹²

The third significant change came in the form of the new immigration law which became effective 1 January 2005. Foreigners can now be expelled faster and with fewer hurdles. Before naturalization, applicants will be investigated and certified by the BfV.

Additionally, the automatic right of relatives of applicants to remain in Germany has been revoked.⁹³ All of these measures give greater authority to the government to expel and/or refrain from entering suspected terrorists.

These reforms have been implemented in an attempt to enhance the government's domestic counterterrorism efforts while also guarding the civil liberties of its citizens. Privacy rights of the individual are still given prominent authority. Police are still prohibited from collecting intelligence and can only begin an investigation when there is probable cause that a crime has been committed. No legal recourse exists against suspected persons unless a case can be made of a felony or its planning. Lastly, intelligence agencies can only collect intelligence. They do not have the authority to make arrests and any information collected covertly cannot be used in criminal court.⁹⁴

CURRENT U.S. STRATEGY

In the wake of the attacks on 11 September 2001, a multitude of new national strategies were developed establishing the strategic thinking and direction of the United States. These strategies provided goals and objectives on the issues of national security in general. They further specified how to combat terrorism overseas and how to provide for homeland security. The strategies are organized in a hierarchy, share common themes, and cross-reference each other. Listed below are the strategies in order of when published:

Nov 05	<i>National Strategy for Victory in Iraq</i>
Oct 05	<i>The National Intelligence Strategy of the United States of America</i>
Sep 05	<i>National Strategy for Maritime Security</i>
Jun 05	<i>Strategy for Homeland Defense and Civil Support</i>
Mar 05	<i>National Defense Strategy of the United States of America</i>
Mar 05	<i>The National Counterintelligence Strategy of the United States</i>
Sep 04	<i>National Border Patrol Strategy</i>
2004	<i>National Military Strategy of United States of America</i>
Feb 03	<i>The National Strategy to Secure Cyberspace</i>
Feb 03	<i>National Strategy for the Physical Protection of Critical Infrastructures and Key Assets</i>
Feb 03	<i>National Strategy for Combating Terrorism</i>
Dec 02	<i>National Strategy to Combat Weapons of Mass Destruction</i>
Sep 02	<i>The National Security Strategy of the United States of America</i>
Jul 02	<i>The National Strategy for Homeland Security</i>
Jul 02	<i>National Money Laundering Strategy</i>

The National Security Strategy of the United States of America (NSS) provides the overall strategy related to national security as a whole including terrorism. One tier down are the *National Strategy for Combating Terrorism (NSCT)* and *The National Strategy for Homeland Security (NSHS)* which address, respectively, more specific strategies related to combating terrorism overseas and at home. However, they both contain offensive and defensive elements. While the *NSCT* is mainly offensive, it includes defensive objectives to implement the *NSHS* and to protect citizens abroad.⁹⁵ Similarly, the *NSHS* is mainly

defensive, but it includes offensive objectives to target and attack terrorist financing, and to track foreign terrorists and bring them to justice.⁹⁶ The remaining strategies further provide specific objectives and functions related to money laundering, weapons of mass destruction, cyberspace security, military operations, intelligence gathering and sharing, and protection of physical infrastructure.

In general the strategies share common themes and delineate separate functional responsibilities. However, there are differences among them in clearly defined roles and responsibilities, definitions of terrorism and clarity of end-state. For example, the *NSHS* describes lead agency responsibilities for intelligence and warning, border and transportation security, and protecting critical infrastructure and key assets. These responsibilities are further clarified by the *National Intelligence Strategy of the United States of America*, the *National Border Patrol Strategy*, and *National Strategy for the Physical Protection of Critical Infrastructures and Key Assets* which identify key agencies' roles and responsibilities in leading various functional areas. In contrast, the *National Strategy to Combat Weapons of Mass Destruction* focuses more on areas of national priorities and initiatives and does not identify agency roles and responsibilities. In addition, the *NSCT* only briefly identifies Department of State, Department of Defense and "other relevant agencies" as lead agencies for functional areas. While it is not necessarily the objective of these strategies to define lead agencies it is important to recognize the major challenge in implementing them through the integration of federal agencies. A key component in this integration is interagency coordination. This challenge goes beyond the federal level to include state and local governments, as well as the private sector and the international community.

A common definition of terrorism would help guide agencies in organizing and allocating resources and help promote more effective agency and intergovernmental operations by facilitating communication. A number of definitions exist across several of the strategies and in other areas of the federal government. Title 22 of the U.S. Code, Section 2656f(d) defines the term terrorism as “premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents.”⁹⁷ This leaves open the debate of how to characterize those that target combatants like the soldiers in Iraq. In an effort to expand the authority of U.S. law enforcement in fighting terrorist acts, the 107th Congress enacted the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT Act)* which defined terrorism as “acts dangerous to human life that are a violation of the criminal laws of the United States or of any State.”⁹⁸ This broadened the definition of “terrorist activity” to include almost any criminal acts against any person.

Perhaps intended to coincide with the *NSS* giving broad guidance and the *NSHS* giving a more detailed plan, the *NSS* characterizes terrorism as “premeditated, politically motivated violence against innocents”⁹⁹ and the *NSHS* attaches a purpose or intent to the terrorist that the *NSS* does not by defining terrorism as “any premeditated, unlawful act dangerous to human life or public welfare that is intended to intimidate or coerce civilian populations or governments.”¹⁰⁰ Next, the *NSCT* defines terrorism as “premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents.”¹⁰¹ This, absent the “intended to influence an audience” clause, mirrors the Title 22 definition. While several strategies, laws, and federal

departments offer various definitions of terrorism which attempt to capture the core concepts contained in the U.S. Code, they fall short of establishing a commonly accepted definition. Without a commonly accepted definition, the potential exists for an uncoordinated approach to combating terrorism. This is a direct reflection of the broad “terrorism as the enemy” view that the *NSS* establishes. Further clarifying an exact enemy on a national level would help focus the 2nd and 3rd tier strategies.

National strategic guidance should define what constitutes victory or success. Strategies should establish a desired end state. The separate counterterrorism strategies’ end states do not necessarily have to be exactly the same but should complement each other and all contribute to overall *NSS* end state. Although some strategies identify an end state, most strategies lack detailed performance goals and measures to monitor and evaluate the success of combating terrorism programs. The most clear cut desired end-state is specified by the *NSCT* where the goal is to reduce the scope and capabilities of global terrorist organizations until they become localized, unorganized and rare enough that they can be dealt with exclusively by criminal law enforcement. The *NSHS* focuses more on federal capabilities by stressing the need for a fully integrated response system that is adaptable enough to deal with any terrorist attack. Finally, the *NSS*, which seeks to create a “balance of power that favors human freedom: conditions in which all nations and all societies can choose for themselves the rewards and challenges of political and economic liberty,”¹⁰² establishes an extremely broad and far-reaching end-state that arguably is unattainable. The absence of specific performance goals and measures in the strategies places some of the responsibility of defining success, and therefore victory, in the hands of the individual federal agencies. This requires a dialogue among the agencies

that is not formally established or has yet to be proven successful in any current national interagency coordination process.

In summary, the *NSS* provides a broad framework for strengthening U.S. security in the future and identifies the gravest danger the nation faces as lying at “the crossroads of radicalism and technology”¹⁰³ - terrorist acts through weapons of mass destruction. It further declares that deterrence will not work in the war on terrorism and that preemptive action is a legitimate defensive measure given the threats America faces today. Finally, it states that the war on terror is a global effort but that the absence of support from the multinational community will not prevent the United States from acting in its own self-defense.

The *NSHS* and the *NSCT* provide, respectively, the more specific strategies related to combating terrorism at home and overseas. While both contain both offensive and defensive elements, the first covers primarily defensive domestic issues and the second covers primarily offensive measures overseas. The *NSHS* addresses the threat of terrorism within the United States by organizing the domestic efforts of federal, state, local and private organizations. While mostly domestic in focus, this strategy addresses negotiating new international standards for travel documents, improving security for international shipping containers, and enhancing cooperation with foreign law enforcement agencies.¹⁰⁴

The key strategy for the overseas effort, the *NSCT*, calls for fighting terrorist organizations of global reach and reducing their scope and capabilities to the regional and then local levels. The goal is to reduce the scope of terrorism to a level where it can be handled by law enforcement agencies. The strategy outlined to accomplish this objective

has four goals. These goals are: defeat terrorist organizations by attacking them and their infrastructure; deny further sponsorship and support by ensuring other states accept their responsibilities; diminish the underlying conditions that terrorists seek to exploit by enlisting the international community; and defend the U.S., its citizens and its interests by protecting the homeland and extending defenses to identify and neutralize the threat as soon as possible.¹⁰⁵

POLICY IMPLEMENTATION

After 9/11 the leaders of the U.S. government were faced with numerous challenges. In order to counter and then defeat the not so new, but now far-reaching enemy, several changes had to be implemented. These changes had to address the past to find out how and why the attacks were able to happen. They had to address the immediate present to determine how to best counter subsequent attacks. They had to address the near term future to prevent further attacks and reduce the imminent threat against the United States. Finally, drawing from the previous three, they had to address global issues that could contribute to long term threats against national interests. Fundamental changes needed to be incorporated in order to ensure a safe environment for all its citizens. The nation's leaders, using varying degrees of the elements of national power, responded.

Homeland Security

Following the terrorist attacks of 11 September 2001, the American public was rattled and demanded urgent action to provide homeland security. A vast array of existing government agencies was responsible for different aspects of security. None, however, were sufficiently organized or empowered to deal country-wide with terrorism. Shortly after the airplane attacks, letters containing anthrax were delivered to mailrooms of a newspaper, a television network, and Congress. The crimes remain unsolved and there is little or no evidence that they were tied to the Islamic extremists. Nonetheless, these letters further alarmed the public indicating that terrorist threats could come in many forms and could be challenging to stop.

In response, the 107th Congress passed the Homeland Security Act which established the Department of Homeland Security (DHS).¹⁰⁶ The department was created in an attempt to consolidate U.S. executive branch organizations related to “homeland security” into a single cabinet position. It superseded, but did not replace, the Office of Homeland Security. It was the largest government reorganization since the Department of Defense was created over fifty years ago. Title I of the Homeland Security Act established several primary missions for the DHS. These missions include preventing terrorist attacks within the U. S.; reducing the vulnerability of the U. S. to terrorism; minimizing the damage, and assisting in the recovery, from terrorist attacks that do occur within the U. S.; acting as a focal point regarding natural and manmade crises and emergency planning; and monitoring connections between illegal drug trafficking and terrorism by coordinating efforts to sever such connections.¹⁰⁷

The DHS plays a central role in implementing the *NSHS* which, published prior to the creation of the DHS, prioritizes the strategic objectives as preventing attacks, reducing vulnerabilities, and minimizing damage from attacks that do occur.¹⁰⁸ The DHS also has the large task of streamlining relations with the federal government for state and local governments, private industries, and the American public. Lastly, one specific issue Title I addressed was the responsibility for investigating and prosecuting terrorism. It states that the “primary responsibility for investigating and prosecuting acts of terrorism shall not be invested in the Department, but rather in Federal, State, and local law enforcement agencies.”¹⁰⁹

The reorganization placed twenty-two agencies that were formerly in the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services,

Justice, Transportation and Treasury or in independent agencies into the new Department of Homeland Security. The DHS is organized into four major directorates: Border and Transportation Security; Emergency Preparedness and Response; Science and Technology; and Information Analysis and Infrastructure Protection.¹¹⁰ Some of the newly transferred agencies under these directorates are the U.S. Customs Service, Immigration and Naturalization Service, Transportation Security Administration, and Federal Emergency Management Activity. The Secret Service and the U.S. Coast Guard are also located in DHS but remain intact and report directly to the Secretary. Among the agencies with functions relating to homeland security that were not inducted in DHS were the Federal Bureau of Investigation, the Central Intelligence Agency and the National Security Agency.

A few of the first actions taken by the federal government and the DHS were aimed at tightening security and increasing public awareness. As part of the heightened security across the nation, airports became the front line of defense. The Aviation and Transportation Security Act, passed in November 2001, directed that a computer-assisted passenger prescreening system be used to evaluate all passengers before they board an aircraft by requiring them to provide full name, home address, home phone number and date of birth.¹¹¹ Increased individual screening was also implemented which has raised concern over the issues of privacy and profiling from the public. The Transportation Security Administration, as a representative of the federal government, has an important responsibility of balancing efforts to protect privacy and national security.

The DHS created the Homeland Security Advisory System which is “designed to target protective measures when specific information to a specific sector or geographic

region is received. It combines threat information with vulnerability assessments and provides communications to public safety officials and the public.”¹¹² Under the system colors denote a different degree or condition and measures, including closing government buildings and restricting transportation systems, are implemented for corresponding conditions of elevation. The effects have been widespread. In addition to government offices, privately owned office buildings in major cities have upgraded security measures to include increased use of metal detectors, card identification systems, video cameras and other security measures.

In effect, the Department of Homeland Security has a dual mission. It must protect the nation against the physical threat of a terrorist attack on American soil and also provide the assurance from attack to the American psyche. Providing security, while not being overprotective, is proving to be a great challenge. DHS has the responsibility of finding the proper balance between the need for increased government power to provide security and the need to protect civil liberties from excessive government authority.

Intelligence

In the wake of the terrorist attacks of 11 September 2001, the *National Commission on Terrorist Attacks Upon the United States (9/11 Commission)* concluded that the lack of adequate and timely coordination and communication within the Intelligence Community (IC) was one factor contributing to the inability to detect and prevent the attacks. The commission stated specifically that the “lack of information sharing and coordination within the IC led to numerous operational opportunities”¹¹³ to

detect and prevent the attacks. The breakdown in communications was the result of a number of factors including, but not limited to, differences in agencies missions, legal authorities, and cultures. The report also concluded that the lack of information sharing existed not only between separate agencies but within agencies and between intelligence and law enforcement agencies.¹¹⁴ Finally, the commission expounded on the genesis of the problem by pointing out that issues existed not only in intelligence gathering and sharing but in operational planning, unification of effort and analysis.¹¹⁵

The Intelligence Community was established by President Reagan on 4 December 1981. The stated mission was: “conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States.”¹¹⁶ It further identified fifteen separate intelligence agencies under the Departments of Defense, Justice, Energy, State, and Treasury and the Central Intelligence Agency. While the Director of Central Intelligence (DCI) oversaw the intelligence community and served as the principal intelligence advisor to the president, in addition to serving as the head of the Central Intelligence Agency, he held no controlling or managing power over the separate agencies.

On 17 December 2004, President Bush signed the *Intelligence Reform and Terrorism Prevention Act of 2004* creating the post of Director of National Intelligence (DNI).¹¹⁷ The DNI became a cabinet-level official with the responsibilities of coordinating all fifteen components of the IC and serving as principal intelligence advisor to the President and the National Security Council. In an effort to empower the DNI, the *Act of 2004* included the more focused missions of “directing the implementation of the National Intelligence Program, having access to all national intelligence, and guiding the

development of the National Intelligence Program budget.”¹¹⁸ The DNI is charged primarily with developing the overall intelligence budget, setting priorities for the fifteen intelligence agencies, and performing joint counterterrorism operations for the fifteen intelligence agencies. Finally, the DCI (renamed the DCIA) is no longer dual-hatted and serves only as the head of the CIA.

The *Act of 2004* also established the National Counterterrorism Center (NCTC). The mission of the NCTC is “to inform, empower, and help shape the national and international counterterrorism effort to diminish the ranks, capabilities, and activities of current and future terrorists.”¹¹⁹ The NCTC, under the leadership of the DNI, serves as the national hub for intelligence. It is intended to be the place where experts from all agencies work side-by-side under the same roof to instantly pool their information, analyze that data, draw understanding and conclusions, and then plan, coordinate, and direct national counterterrorism operations in response. Still in its infancy, the NCTC is improving cooperation and information sharing among the intelligence, law enforcement and homeland security communities but still lacks the strength to carry out field operations. Nevertheless, it is a vast improvement over the pre 9/11 disorganization and contributes to the improvement of the interagency process.

The PATRIOT Act

To provide intelligence and law enforcement agencies with additional means to fight terrorism worldwide and prevent future attacks Congress enacted the *PATRIOT Act*. Among the laws the *PATRIOT Act* amended are immigration laws and banking and money laundering laws. It also amended the *Foreign Intelligence Surveillance Act*

(*FISA*). In 1978, the *FISA* was passed to produce legal guidelines for federal investigations of foreign intelligence targets. Among the rules put in place were regulations governing electronic surveillance, physical searches, trap and trace devices for foreign intelligence purposes. *FISA* additionally addressed not just how foreign intelligence investigations were to be performed but who could be investigated. Only “persons engaged in espionage or international terrorism against the United States on behalf of a foreign power”¹²⁰ were subject to investigations. The *PATRIOT Act* expanded *FISA* to permit the targeting of so-called “lone-wolf” terrorists without the requirement of having to show that they acting on behalf of a foreign power.¹²¹

The authority of the intelligence and law enforcement agencies was further expanded. Concerning searches and seizures, the *PATRIOT Act* authorizes the delay in issuance of a court order if issuance of the order or warrant “may have an adverse result.”¹²² A special clause allows for the Director of the Federal Bureau of Investigation to request phone records for a person without ever notifying this person. The *PATRIOT Act* also allows for, through a secret court, the collection of library or bookstore records. These measures apply to any person connected to an investigation of international terrorism or spying which gives great latitude to the intelligence and law enforcement agencies.

The obvious advantage gained is the ability to discover information and track terrorist planning, therefore ultimately preventing attacks from occurring. However, critics claim that some portions are unnecessary allowing law enforcement officials to infringe upon freedom of speech, freedom of the press, human rights and the rights to privacy. It brings back into question the balance between the need for increased

government power to provide security and the need to protect civil liberties from excessive government authority.

Military Action

In response to the terrorist attacks on 11 September 2001, President Bush launched a global effort to defeat terrorism. Given the potential catastrophic consequences of terrorist attacks employing weapons of mass destruction, the U.S. leadership felt that it could not sit back, wait for attacks to occur, and then respond. Pre-emptive use of military force against international foreign terrorists and their infrastructure became one of the government's initial courses of action. The military arm of this effort has arguably been the most visible and now controversial element of national power employed. The policy shift from deterrence to pre-emption combined with the global theater of war created several theaters of operations for the U.S. military. Military action in these theaters of operation has involved Afghanistan, Iraq, Philippines, and the Horn of Africa to name a few.

On 7 October 2001, a U.S. military operation was launched against the Taliban regime, which had harbored Al Qaeda, in Afghanistan. This immediate response to the September 11 attacks was assigned the name Operation Enduring Freedom (OEF). The United States built a worldwide coalition gaining a range of military assistance including direct military action, overflight and landing rights, and basing accommodations. The initial military objectives of OEF, as articulated by President Bush in his October 7 address to the nation, included the destruction of terrorist training camps and

infrastructure within Afghanistan, the capture of Al Qaeda leaders, and the cessation of terrorist activities in the region.¹²³

Combining the resources and capabilities of the Defense Department, the Central Intelligence Agency, other agencies of the Federal government and a multitude of other countries, U.S. and Coalition forces destroyed all known terrorist training camps, removed the brutal Taliban regime from power, and destroyed the Al Qaeda network in Afghanistan by mid-March 2002. The U.S. also captured or killed several Taliban and Al Qaeda leaders and gained great intelligence by exploiting detainees and training sites in order to prevent future terrorist attacks and to further understand Al Qaeda. Nevertheless, top Al Qaeda leaders Osama bin Laden and Ayman al Zawahiri escaped and remain at large today.

Secure in the accomplishment of its objectives, the U.S.-led coalition next had the responsibility of rebuilding the country. On 9 October 2004, Afghanistan elected Hamid Karzai as President and the following year conducted the first parliamentary elections. With military forces suppressing insurgents and assuring security, Provincial Reconstruction Teams are helping to rebuild the country by building infrastructure, constructing roads and bridges, and providing food and water to refugees. The U.S. forces continue to be drawn down, being replaced largely by NATO forces and Afghan led security forces like the Afghan National Army.

President Bush, in his *NSS*, outlined one of the key facets to disrupting and destroying terrorist organizations and preventing attacks of weapons of mass destruction as “denying support and sanctuary to terrorists by compelling states to accept their sovereign responsibilities.”¹²⁴ In the 2002 State of the Union address, he further

identified Iraq as part of the “Axis of Evil” and declared that the “United States will not permit the world’s most dangerous regimes to threaten us with the world’s most destructive weapons.”¹²⁵ On 11 October 2002, the United States Congress passed the *Authorization for Use of Military Force Against Iraq Resolution of 2002*¹²⁶ giving the President the authority to attack Iraq if Saddam Hussein did not give up his weapons of mass destruction.

In concert with the concept of pre-emption as a defense, the United States made it clear throughout 2002 that removing Saddam Hussein from power was a major goal. The stated justification for a possible invasion included Iraqi production and use of weapons of mass destruction, alleged links with terrorist organizations, and human rights violations under the Hussein government. Unsuccessful through all other efforts of national power to achieve its objective, the United States invaded Iraq on 20 March 2003. Unable to gain much world-wide public support, the “Coalition of the Willing” consisted mostly of United States and United Kingdom forces. After a swift military campaign, the Iraqi military was defeated, and Baghdad fell on 9 April 2003. President Saddam Hussein and his Ba’ath Party were removed from ruling and a transnational period began shortly thereafter.

The end of major combat operations did not mean that peace had returned to Iraq. Iraq was subsequently marked by violent conflict between U.S.-led troops and forces described as insurgents and intra-Iraqi violence. A military occupation was established and initially run by the Coalition Provisional Authority (CPA) which later granted limited powers to an Iraq Interim Governing Council. The Interim Governing Council was

eventually followed by the Iraqi National Assembly which culminated with the selection of a President and Prime Minister who currently head Iraq.

The responsibility of reconstructing the country, providing security, and countering the insurgency has required the U.S. military to maintain high troop levels in the country much longer than originally anticipated. While the initial objective of removing Saddam Hussein was met in 2003, the subsequent power vacuum created an environment for insurgency. The insurgency created a hotbed of terrorism and opened up or exposed a critical theater of operation in the global war on terror. Among the stated long term goals of the *National Strategy for Victory in Iraq* is an “Iraq that has defeated the terrorists and neutralized the insurgency.”¹²⁷ Presently, the United States’ battle is with Al Qaeda in Iraq led by Abu Musab al-Zarqawi. Rather than just using conventional weapons and guerilla tactics, the insurgents rely heavily on using terrorist attacks including suicide bombings, targeted assassinations, kidnappings and beheadings, and improvised explosive devices.

The United States identifies Iraq as the “central front in the global war on terror” with the determinations that failure in Iraq would “embolden terrorists and expand their reach” and success would “deal them a decisive and crippling blow.”¹²⁸ The major objectives include assisting the Iraqi people in building a new government, setting the foundation for a sound and self-sustaining economy, neutralizing the insurgency, and developing Iraqi security forces. By hunting down the terrorists and building a free nation as an ally in the war on terror, the U.S. feels it will advance “freedom in the broader Middle East.”¹²⁹ The U.S. military will continue to play a vital role in

accomplishing these objectives in order to accomplish the larger strategic objective of defeating terrorism world wide.

In addition to U.S. troops in Afghanistan and Iraq, U.S. forces headquarters have been dispatched to the Philippines and Djibouti. In January 2002 a U.S. force approximately 1,000 strong, including special operations soldiers, deployed to advise and assist the Armed Forces of the Philippines in combating terrorism in the Philippines. Much of the mission took place on the island of Basilan, a stronghold of Abu Sayyaf. Recognizing the threat in the area, Joint Special Operations Task Force – Philippines was established in July 2002. Its mission is to “conduct and oversee humanitarian civic actions programs and to be the command and control element U.S. Pacific Command’s long-term security assistance partnership with the Armed Forces Philippines.”¹³⁰

The small country of Djibouti has become an important military hub in the Horn of Africa for the United States. Commander Joint Task Force – Horn of Africa (CJTF-HOA) was established in 2002, to counter the “assist host nations to combat terrorism in order to establish a secure environment and enable regional stability”¹³¹ through civil military operations. CJTF-HOA is focused on working with host nations in the region and ensuring they have the capability to “seek out and destroy the terrorist social infrastructure, take away their safe haven, and drive them from the region.”¹³² With headquarters established at Camp Lemonier and composed of approximately 1,600 personnel, CJTF-HOA has been established to provide the capability to detect, disrupt and defeat transnational terrorism in conjunction with coalition partners across the Horn of Africa.

Economic Measures

The battle to bring down the Al Qaeda organization and other Islamic extremist terrorists includes finding, tracking, and stopping the money. On 23 September 2001, President Bush directed the first strike on the global terror network by issuing Executive Order 13224 to starve terrorists of their support funds. In general terms, the Order authorizes the U.S. government to designate and block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism.¹³³ In addition, it authorizes the U.S. government to block the assets of individuals and entities that provide support, services, or assistance to terrorists and terrorist organizations designated under the Order, as well as their front organizations, agents, and associates. The authority to designate these individuals and entities lies with Secretary of State who works in consultation with the Secretary of Treasury and the Attorney General. The initial order list twenty-nine individuals and entities and has now been expanded to include 189 such groups, entities and individuals.¹³⁴

The Executive Order is part of a broader strategy aimed at suppressing terrorist financing. Prior to stopping the money is the challenge of identifying and tracking its roots. The Foreign Terrorist Asset Tracking Center (FTATC) is a multi-agency task force established to identify the network of terrorist funding and freeze assets before new acts of terrorism take place. This task force is aimed at facilitating information sharing between the United States and its allies around the world to tackle the international financial underpinning of terrorism.¹³⁵ Shortly after September 11, the United Nations Security Council adopted Resolution 1373, which requires all states to “prevent and suppress the financing of terrorist acts.”¹³⁶ The following January, Resolution 1390 was

adopted which obligates member states to freeze funds of “individuals, groups, undertakings and entities” associated with the Taliban and Al Qaeda.¹³⁷

The success of these economic measures is uncertain because no precise measure of effectiveness is available. First, much of the flow of terrorist funds may take place outside of the formal banking channels. Second, business fronts used to manipulate funds are extremely hard to identify thus still providing untraceable means of money transfer. Third and perhaps most important, because many lethal terrorist operations are relatively inexpensive, only a small amount of money transfer has to occur for terrorists to achieve the capability to act.

With respect to nation-states, the President has at his disposal the International Economic Powers Act. This act, which has broad powers, authorizes the application of economic sanctions once the President has declared a national emergency because of a threat to “national security, foreign policy, or economy of the United States.”¹³⁸ These powers include the ability to seize foreign assets under U.S. jurisdiction, to prohibit payments between financial institutions, and to prohibit the import/export of foreign currency.

A most recent application of stern U.S. economic sanctions can be found in the November 2003 Syria Accountability Act. This act requires the President to impose penalties on Syria unless it ceases its support for international terrorist groups, ceases the development of weapons of mass destruction, and ceases support for terrorist activity in Iraq.¹³⁹ These penalties include the options of banning all exports to Syria except food and medicine, banning U.S. businesses from operating in Syria, restricting travel by Syrian diplomats in the U.S., and banning the landing in or overflight of the U.S. by

Syrian aircraft.¹⁴⁰ Citing that Syria had not taken significant steps to address the concerns that led to the Act, President Bush issued Executive Order 13338 in May 2004 implementing two of the sanctions: the banning of exports and the overflight restrictions. Perhaps more significantly, the Executive Order also required U.S. financial institutions to sever correspondent accounts with the Commercial Bank of Syria because of money laundering concerns and mandated the freezing of assets of several Syrian individuals and government entities involved in supporting policies adverse to the United States.¹⁴¹ While the practical effects of implementing the Syria Accountability Act are yet to be determined, the United States sent a clear message to Syria that it will not tolerate its support for terrorism, pursuit of weapons of mass destruction, or attempts to destabilize the situation in Iraq.

Diplomacy

A major challenge facing U.S. policy makers is how to maximize international cooperation and support while not compromising important U.S. national security interests. The State Department has the responsibility for coordinating all U.S. Government efforts to improve counterterrorism cooperation with foreign governments. It defines the U.S. Counterterrorism policy as:

First, make no concessions to terrorists and strike no deals;
Second, bring terrorists to justice for their crimes;
Third, isolate and apply pressure on states that sponsor terrorism to force them to change their behavior; and
Fourth, bolster the counterterrorism capabilities of those countries that work with the U.S. and require assistance.¹⁴²

Diplomacy was a key factor leading to the composition of the U.S.-led coalition against the Taliban. Following the events of 11 September 2001 and the subsequent U.S.

led retaliation in Afghanistan, the United States essentially had worldwide support for the campaign against terrorism. This was evidenced by NATO invoking Article V, sixteen NATO members contributing troops and military equipment, and ANZUS invoking its treaty to support the United States and a multitude of countries granting basing and landing rights for U.S. forces.¹⁴³

In contrast, even though Iraq had been consistently listed on the State Department's *Country Reports on Terrorism*,¹⁴⁴ diplomatic actions for support of the U.S.-led invasion of Iraq encountered much less success. Some national governments publicly denounced the invasion plan while at the same time accepting U.S. aid earmarked for the war, or providing intelligence, troops, fueling stations, military support, and/or airspace. Some national governments provided only a semblance of support. Nevertheless, the U.S. government felt it was in the best interest of the nation to pursue a regime change in order to protect its national interests.

The annual reports on terrorism serve as a basis for the U.S. list of state sponsors of terrorism which are subject to U.S. sanctions and provide detailed reports on counterterrorism cooperation by nations worldwide. These reports serve as a diplomatic channel to publicly address the strategic importance of certain nations to the United States as evidenced by the 2004 reports which notes that Saudi Arabia "continued to support the global war on terror" and took "aggressive actions"¹⁴⁵ to prevent terrorists from crossing its borders into Iraq. It also cites Pakistan as one of the United States' most important allies noting that "Pakistani security services are cooperating closely with the U.S. and other nations to eliminate terrorism."¹⁴⁶ Another example of diplomatic and intelligence actions producing results is Libya. As a result of the Proliferation Security

Initiative and US and British intelligence, Libya voluntarily agreed to end its weapons of mass destruction programs. An opposing example is the ineffectiveness of the diplomatic and economic sanctions against Saddam Hussein of Iraq.

The problem surfacing for the diplomats is to find a way to condemn and combat Islamic extremist terrorist activity and gain support from Islamic countries without appearing to be anti-Islamic in general. Concerning *NSS* goals of championing human rights concerns, the government must decide how to align with a state which supports counterterrorism but which violates its citizens' civil rights, which may also conflict with other foreign policy objectives involving that nation.

IS AMERICA WINNING?

President Bush, through the *NSS*, declared that the United States was “fighting a war against terrorists of global reach” and defined the enemy as “not a single political regime or person or religion or ideology” but as “terrorism – premeditated, politically motivated violence perpetrated against innocents.”¹⁴⁷ Through the *NSCT*, he further articulated the desired end-state for the country by stating that America “will not rest until terrorist groups of global reach have been found, stopped, and defeated.”¹⁴⁸ This serves to focus the nation on the ultimate objective for victory.

Over four years have passed since Al Qaeda attacked the United States. America’s sharp response to 9/11 has included the war in Afghanistan to destroy the Taliban and root out Al Qaeda, the pre-emptive war in Iraq, the creation of the massive Homeland Security Department, the creation of the *NCTC* and the *DNI*, and the passing of the *PATRIOT* Act. Since 9/11, while there have been Al Qaeda attacks in Europe and several Muslim countries none have occurred in the United States. Additionally, Al Qaeda has failed to achieve its primary political goal of triggering an uprising in a Muslim country and creating a jihadist regime.

Are these all signs indicating that the United States is clearly winning the war on terrorism? What is clear is that all terrorists of global reach have not yet been found, stopped and defeated. Therefore, several questions remain. Who or what is the enemy? How can one judge success or failure? How serious are the threats to the United States homeland? How much closer, if at all, is the United States towards achieving victory? The *NSCT* outlines four strategic objectives to be achieved as steps toward the broader and final goal of victory. These objectives are: defeat of terrorist organizations of global

reach; denial of sponsorship, support and sanctuary to terrorists; diminishment of the underlying conditions that terrorists seek to exploit; and defense of the United States, its citizens and interests.¹⁴⁹ By measuring the feasibility and level of success of these objectives one can begin to determine if the U.S. is succeeding.

Defeat terrorists and their organizations

Under the premise “We cannot wait for terrorists to attack and then respond,”¹⁵⁰ the *NSCT* outlines the primary steps to defeating terrorists and their organizations as identifying who they are, locating them and then destroying them. Through improvements of the intelligence community, cooperation with other countries, and international awareness the United States has achieved relative good success in identifying terrorists. Locating terrorists has proven to not be as fruitful but also not a total failure. The challenge of synchronizing the capability, reach, and resources together with the frustrations of not locating key high level members prevents absolute success in destroying even one terrorist organization.

From a military standpoint the United States has achieved significant success in destroying Al Qaeda. The White House claims that “more than three-quarters of Al Qaeda’s known leaders and associates have been detained or killed.”¹⁵¹ While new terrorists have stepped up, they are not as experienced. In Operation Enduring Freedom, the United States destroyed terrorist training camps, dismantled the Taliban regime, and drove Al Qaeda from the safe haven in Afghanistan. These successes significantly weakened Al Qaeda and may account for why there have been no attacks on U.S. soil since 9/11. However, Osama bin Laden and his top deputy, Ayman al-Zawahiri, were not

captured and are still at large. The nature and recruiting base of Al Qaeda make it a very difficult enemy to decisively destroy. Additionally, the large U.S. presence in Iraq offers a proximate target set for Al Qaeda and Al Qaeda-inspired organizations. While the military has been successful in severely limiting Al Qaeda's capability and reach, it has not succeeded in countering their ideology or in diminishing the spread of its ideology of global jihad.

The broad objective of defeating all terrorism worldwide places the United States at war with all terrorist organizations, including those that have no conflict with the United States. This objective is a dangerous because it is unattainable. The United States does not possess the resources or the will to go to every corner of the world to defeat every terrorist. Even if all terrorism is evil, most terrorist organizations do not threaten the United States. Many have local agendas that have little or no bearing on U.S. interests.

Finally, one chief problem is that terrorism is a tactic. Like guerilla warfare, it is a method of violence, a way of waging war. The United States has not and cannot succeed in defeating a method, however evil the method is. It must address the specific perpetrators of the evil in the context in which they are acting.

Deny sponsorship, support, and sanctuary to terrorists

The goal of the NSCT's second objective is to "choke off the lifeblood of terrorist groups"⁵² by reducing and eventually eliminating their ability to exist. By ending state sponsorship of terrorism, establishing an international standard of accountability for combating terrorism and strengthening the international effort to fight terrorism the

United States aims to eliminate terrorists' access to territory, funds, equipment, training, technology, and unimpeded transit.¹⁵³ The primary area of concern for the United States has been the Middle East region where some success has been achieved but not enough yet to gain worldwide momentum.

Operation Enduring Freedom, which drew on the momentum of 9/11, provides the best example of success for the U.S. The Taliban regime which sponsored terrorism was dismantled, eliminating a known training ground and safe haven for Al Qaeda. Today Afghanistan is allied with the United States and has a new president and a new constitution that gives unprecedented rights and freedoms to its citizens. Pakistan, once a recruiting ground for Al Qaeda and one of the few countries in the world that recognized the Taliban regime, now works closely with the U.S. in the fight against terror. Five years ago the Saudi Arabian government provided little opposition to Al Qaeda's financial and logistical framework. Today, they have captured or killed many leaders of Al Qaeda and work to disrupt facilitators and financial supporters of Al Qaeda. Yemen has moved against Al Qaeda internally, even allowing Army Special Forces to train Yemeni troops in counterterrorism.

The Department of State takes the lead in developing policy action that employs incentives and disincentives to end state sponsorship of terrorism. The *NSCT* listed in February 2003 seven state sponsors of terrorism: Iran, Iraq, Syria, Libya, Cuba, North Korea, and Sudan.¹⁵⁴ Since then, the United States has made some progress by eliminating Iraq from this list. However, just removing a state sponsor might not be enough. After Saddam Hussein's fall, the regional stability envisioned was not accomplished. After three years, Iraqi internal stability and self-governing security are

still not established. The U.S. did not expect to encounter such a level of sustained irregular warfare, or terrorism, in Iraq. What started out as a short conventional war of choice has become a long unconventional war of necessity.

The United States has assumed the responsibility for Iraq's future and the foreign fighters, insurgents, and Islamic extremists who attack and fight against the Americans know how much is at stake. The invasion and occupation of Iraq has converted that country into a magnet for jihadists seeking to kill Americans. Iraq has become the central front in the global war on terror. Consequently, the President has identified victory in Iraq as a vital U.S. interest, saying "The fate of the greater Middle East...hangs in the balance."¹⁵⁵ The U.S. effort in Iraq is the largest component in terms of monetary cost, military manpower, and strategic risk in the global war on terror. The sustainability of the war on terror hinges very significantly on the success of the United States in Iraq.

Diminish the underlying conditions that terrorists seek to exploit

As the attainability of transforming Iraq into a stable democracy remains to be seen, the absence of significant international participation in dealing with postwar challenges in Iraq weakens the United States' leadership role in promoting strong self-governance worldwide. The third component of the *NSCT* relies on partnership with the international community to strengthen weak states, resolve regional disputes, and foster economic, social, and political development in order to sustain good governance and the rule of law.¹⁵⁶ Critical to the success of the United States is credibility in the international world, particularly in the Middle East. The goal of rebuilding or establishing a state that can look after its own people, control its borders, and deny

terrorists a safe haven is key to the success of this objective. Operation Enduring Freedom, even with new Afghanistan still in its infancy, provided a model for U.S.-led international success. Iraq, on the other hand, is proving so far to be tolerable at best.

A second, and perhaps more crucial, element of this objective is to win the war of ideas. The United States must always measure how some actions can do more harm than good. The invasion of Iraq began with the coalition forces coming as liberators, but now they are seen by some as invaders. While few in the Middle East had any allegiance with Saddam Hussein, some resent the manner in which the United States engineered his removal without international approval. Key to victory is a dialogue and understanding with the mainstream moderate Muslims that the war is with those who spread the extremist ideology and not with Islam. This balance becomes harder and harder to meet when the Muslim world sees the U.S. military controlling a Muslim people for years. While words spoken are important, actions are even more so. The successful establishment of an Iraqi government and subsequent withdrawal of U.S. troops will serve better as proof of America's intentions.

Hearts and minds have to be won in friendly states as well as in hostile ones. In the aftermath of 9/11, the U.S. enjoyed sympathy and widespread support from every NATO ally and most affiliated states. This support lasted through Operation Enduring Freedom and the Afghanistan occupation. However, European support declined as war with Iraq approached. Most European countries did not see invasion of Iraq as a necessary step in the war on terror. The U.S. never got the support it had for Afghanistan and therefore forged its own "coalition of the willing."

Key to the objective of diminishing the underlying conditions that terrorists seek to exploit is partnership with the international community in nation-building. Addressing the conditions that contribute to weak states and failed states cannot be accomplished without international cooperation. With U.S. focus primarily on Iraq and the majority of the rest of the world watching to see its outcome, the future of America's role in the international community hangs in the balance. In the larger context of a protracted war against terrorism, American unilateralism will prove unsustainable.

Defend U.S. citizens and interests at home and abroad

Significant changes in several areas occurred after the 9/11 terrorist attacks. No longer was the United States going to sit and react when terrorist attacks occurred. Extensive progress has been made on this front. The *PATRIOT Act* and other laws eliminated the legal and policy impediments to information sharing between U.S. foreign intelligence agencies and domestic law enforcement agencies. The NCTC, under the leadership of the DNI, is beginning to successfully integrate intelligence from multiple agencies. The new Terrorist Screening Center has created a single terrorist watch list for the whole country. The Transportation Security Administration has made major improvements in the security of commercial aviation, reducing airliners vulnerability to hijacking. The Department of Homeland Security was created and serves as the lead in mobilizing and organizing all efforts in securing the U.S. homeland from terrorist attacks. While it is impossible to measure the direct impact on the enemy, since these critical changes occurred there have been no terrorist attacks on U.S. soil.

In the spirit of pre-emption, efforts to halt the continued proliferation of WMD and their means of delivery to hostile and potentially hostile entities serve as a key component in the defense of the homeland. The creation of the Proliferation Security Initiative, a broad international partnership of more than sixty countries that is interdicting lethal materials in transit, has proved successful in a number of fronts. In addition to Libya ending its WMD program, U.S. and United Kingdom intelligence officers discovered and shut down a black market network headed by A.Q. Khan, the architect of Pakistan's nuclear weapons program.¹⁵⁷ In the former Soviet Union, over forty percent of the weapons-usable material that was previously determined to be vulnerable has been secured and radiation detection equipment has been installed at thirty-nine border sites to deter and interdict trafficking in nuclear and radioactive materials.¹⁵⁸ While not all-encompassing these efforts reduce the vulnerability of the United States and send a signal to the world that the U.S. is prepared to act early and decisively to stop terrorists from acquiring WMD. Consequently, no terrorist threat or use of weapons of mass destruction has occurred.

CONCLUSION

War plans cover every aspect of a war, and weave them all into a single operation that must have a single, ultimate objective in which all particular aims are reconciled. No one starts a war or rather, no one ought to do so without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it.¹⁵⁹

The United States is at war. So far, the military has been used as the predominant element of national power in the execution of this war. The immediate response to 9/11, particularly through the subsequent invasions of Afghanistan and Iraq, tended to focus the national policy makers on the short term solution. Within four years, several strategies were developed and implemented aimed at defeating or destroying the immediate threat to the country. While quite effective initially at stopping the spread or reach of the terrorists, these strategies slightly overlooked all the long term effects of the initial actions and their impact on the desired end-state. An effective grand strategy looks beyond war to the peace. When defining victory, one needs to focus on using this foresight while prosecuting the war. Grand strategy is about making choices, choosing an attainable end, a victory.

As the five-year anniversary of 9/11 approaches, it is clear that some progress has been made but not enough. The U.S., for the time being, has taken the battle to the enemy but further success in defeating the terrorists is not guaranteed. The current strategy succeeded in the short term but now needs improvement in order to attain final victory. The new strategy of the United States must begin by specifically defining the enemy vice calling it terrorism in general. Second, an attainable and decisive end-state must clearly be stated. Finally, the new strategy must guide improvements in the

diplomatic, military and social/political elements of national power in order to synchronize all national efforts toward this desired end-state.

The current strategy of labeling the current campaign a war on terrorism is fundamentally flawed. By defining the enemy as terrorism itself, it implies that the United States will fight the tactic in all its forms. The U.S. has neither the means nor the will to fight the tactic of terrorism worldwide and therefore has established a strategic aim so ambitious that it cannot be achieved. In order to properly focus national resources and compel international cooperation a new strategy must be developed that clearly defines the enemy as specifically as possible. This enemy, which uses terrorism as its primary means of warfare, is the organization whose unifying theme is an establishment of a truly pure caliphate in which the prevailing concept of church and state is eliminated. These Islamic extremists, inspired by Osama bin Laden and Al Qaeda, pose a viable threat to U.S. national interests and worldwide international stability. Therefore, the more focused and proper definition of the enemy should be these Islamic extremists.

Similar to the fundamental flaw of defining the method of terrorism as the enemy is the elemental defect of designating the desired end-state as the elimination of all terrorists of global reach. It is hard to argue that this should not be a desire of all nations, in fact it should. However, achieving it is not absolutely necessary for the U.S. to attain victory in its war with the Islamic extremists. A more correct desired end-state should be aimed specifically at the enemy and would serve to better focus national resources. Therefore, the attainable and decisive end-state should be the elimination of the Islamic extremist movement.

Redefining the enemy and establishing a new desired end-state will prompt changes to the grand strategy. This re-evaluation of objectives would focus leaders on the best synchronization of the elements of national power. The U.S. made great improvements in several areas including homeland defense, intelligence and law enforcement. However, militarily, diplomatically and politically, changes need to be re-evaluated in order to prevent a culmination.

The United States cannot win this war on its own. The enemy is determined, patient, and flexible. While effectively driven from Afghanistan, it has the capability of re-emerging from a number of other areas of the world to include Iraq, the Philippines, and North Africa to name a few. To successfully operate on such a vast battlefield, the United States must rely on the commitment of foreign governments. Effective diplomacy will be the cornerstone of this effort.

Although the broad hammer of the U.S. military has proven successful in rooting out Al Qaeda in Afghanistan, it lacks the intelligence operatives, local law enforcement capabilities, and even perceived jurisdiction that are paramount to identifying, locating and defeating new terrorist cells. A sharing of common political wills and priorities against terrorism in the international community is a necessity. The United States runs the risk of losing this international support when it is viewed as acting unilaterally and must always assess the risk associated with acting without United Nations full support, as in Iraq. Keys to addressing this problem are an understanding of the beliefs and priorities of other nations, an open sharing of the causes and objectives of U.S. actions, and a re-establishment of the credibility of U.S. intentions. This is not to say the U.S. should not act alone if need be. It will always maintain that sovereign right, but it must constantly

assess the consequences of its future actions and the impact on the desired end-state of defeating the Islamic extremists in the longer, global war on terror.

From a conventional military standpoint, Operation Enduring Freedom and most recently Operation Iraqi Freedom were successful campaigns. Regime change and the defeat of enemy forces in both cases were achieved. The immediate result left a political, social, and economic vacuum and the challenge of sustaining peace and stability after major combat operations has proven to be quite difficult. While the military has shown the capability of overthrowing a regime through conventional war, the nation lacks the capability of post-conflict stabilization and nation-building. Rebuilding national infrastructure in the absence of established law enforcement and legal systems requires military presence in a security role. However, the required capability of building the infrastructure does not sufficiently exist in the combat forces of the U.S. military. Foremost to converting military victory into strategic success is the synchronization of U.S. interagency capabilities and multi-national cooperation on the focused desired political end-state of a stable nation.

Lastly, and most importantly, the United States must win the war of ideas. The unique challenge the U.S. faces is the need to isolate military Islamic extremists from the larger moderate Islamic world. This is more than informational. It is political, social and psychological. Decisive victory in the war against the Islamic extremists will not be possible without the moderate Islamists' isolation of their more extremist militants. Therefore, every action taken by the United States must first be weighed against how it impacts the mainstream Islamic world. Of utmost importance are how America resolves the Iraq war and how America deals with the Israeli-Palestinian conflict. Careful

consideration must be taken by the United States to ensure it secures the continued trust of Middle Eastern nations like Egypt, Pakistan, and Saudi Arabia, re-establishes close ties with its European allies to include Russia, and builds the trust of the people of the Muslim communities of Africa, Asia, Europe and the United States itself.

The United States is at war with an enemy whose unifying theme is the establishment of a truly pure caliphate in which the prevailing concept of church and state is eliminated. These Islamic extremists, who use terrorism as their primary means of warfare, pose a viable threat to U.S. national interests and worldwide stability. Victory in this conflict should be defined as the elimination of this Islamic extremist movement. The U.S. must isolate the militant Islamic extremists from the larger mainstream Islamic world, synchronize U.S. interagency capabilities, and encourage multi-national cooperation in order to achieve the desired end-state.

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- ¹ Pillar, Paul R., "Perceptions of Terrorism: Continuity and Change," *Law vs. War: Competing Approaches to Fighting Terrorism* (Carlisle, PA: Strategic Studies Institute, July 2005), 4.
- ² Huntington, Samuel P., *The Clash of Civilizations and the Remaking of World Order* (New York, NY: Simon & Shuster, Inc., 1996), 20.
- ³ bin Laden, Osama, "Jihad Against Jews and Crusaders: World Islamic Front Statement," (23 February 1998). Accessed 28 October 2005, from FAS.org website: <http://www.fas.org/irp/world/para/docs/980223-fatwa.htm>.
- ⁴ Bush, President George W., "National Strategy for Combating Terrorism," Washington, D.C.: The White House, February 2003, 12.
- ⁵ Clausewitz, Carl von, *On War*, Edited and translated by Michael Howard and Peter Paret, (New York, NY: Random House Inc., 1993) 80.
- ⁶ Clausewitz, Carl von, *On War*, Edited and translated by Michael Howard and Peter Paret, (New York, NY: Random House Inc., 1993) 75.
- ⁷ Anderson, Sean K. and Stephen Sloan, *Historical Dictionary of Terrorism: Second Edition* (Lanham, MD: Scarecrow Press, Inc., 2002, xxxvii.
- ⁸ Bush, President George W., "Address to Joint Session of Congress and the American People," (20 September 2001). Accessed 28 September 2005, from whitehouse.gov website: <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>.
- ⁹ Bush, President George W., "The National Security Strategy of the United States of America," Washington, D.C.: The White House, September 2003, 5.
- ¹⁰ Lehman, John, "Our Enemy Is Not Terrorism," *Proceedings of the United States Naval Institute* Vol. 130, Issue 5 (May 2004): 52.
- ¹¹ Rapoport, David C., "The Four Waves of Modern Terrorism," in *Attacking Terrorism: Elements of a Grand Strategy*, ed. by Audrey Cronin and James M. Ludes, (Washington D.C.: Georgetown University Press, 2004) 47.
- ¹² Ibid, 70.
- ¹³ Congress, Senate, President Roosevelt's Message to the Senate and House of Representatives, 57th Cong., 1st sess., *Congressional Record* (03 December 1901), vol. XXXV, p. 82.
- ¹⁴ Rapoport, 52.
- ¹⁵ Ibid, 52.
- ¹⁶ Ibid, 54.
- ¹⁷ Ibid, 53.
- ¹⁸ Ibid, 56.
- ¹⁹ Ibid, 56.
- ²⁰ Ibid.
- ²¹ Ibid.
- ²² Ibid, 57.
- ²³ Ibid, 60.
- ²⁴ Ibid, 61.
- ²⁵ Ibid, 62.
- ²⁶ Ibid, 62.
- ²⁷ Johnson, James T., "Jihad and Just War," *First Things* 124 (June/July 2002): 13.
- ²⁸ Robinson, Adam, *bin Laden, Behind the Mask of the Terrorist*, (New York, NY: Arcade Publishing, 2002), 128-129.
- ²⁹ Fisk, Robert, "Interview with Saudi Dissident bin Laden," (10 July 1996). Accessed 15 December 2005, from website: http://www.robert-fisk.com/fisk_interview3.htm.
- ³⁰ bin Laden, Osama, "Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques," (02 September 1996). Accessed 01 December 2005, from mideastweb.org website: <http://www.mideastweb.org/osamabinladen1.htm>.
- ³¹ bin Laden, Osama, "Jihad Against Jews and Crusaders: World Islamic Front Statement."
- ³² Ibid.

-
- ³³ Blanchard, Christopher M., *Al Qaeda: Statements and Evolving Ideology*, (Washington, D.C.: Foreign Affairs, Defense, and Trade Division, CRS Report for Congress, 20 July 2005), 4-5.
- ³⁴ Bush, President George W., "Address to Joint Session of Congress and the American People," (20 September 2001).
- ³⁵ Statement from Osama bin Laden quoted in article by McCloud, Kimberly and Matthew Osborne, "WMD and Usama bin Laden," *TIME Magazine* Vol. 152, no. 25 (21 December 1998): 50.
- ³⁶ Miller, John, "Osama bin Laden Interview," (May 1998). Accessed 26 November 2005, from PBS.org website: www.pbs.org/wgbh/pages/frontline/shows/binladen/who/interview.html.
- ³⁷ Garamone, Jim, "Abizaid Details al Qaeda's Long-Term Goals," *American Forces Information Service NEWS ARTICLES*, (29 September 2005). Accessed 31 October 2005, from defenselink.mil website: http://www.defenselink.mil/news/Sep2005/20050929_2887.html.
- ³⁸ Beyer, Lisa, "Roots of Rage," *TIME Magazine* Vol. 158, no. 15 (01 October 2001): 45.
- ³⁹ Bush, President George W., "The National Security Strategy of the United States of America," 1.
- ⁴⁰ Reagan, President Ronald, *National Security Decision Directive Number 30*, Washington, D.C.: The White House, April 1982.
- ⁴¹ Ibid.
- ⁴² Reagan, President Ronald, *National Security Decision Directive Number 138*, Washington, D.C.: The White House, April 1984.
- ⁴³ Ibid.
- ⁴⁴ Martin, David C. and John Walcott, *Best Laid Plan: The Inside Story of America's War Against Terrorism* (New York, NY: Harper & Row, 1988), 157.
- ⁴⁵ *Goldwater-Nichols Department of Defense Reorganization Act of 1986*, U. S. Code, vol. 50, section 404a (1986).
- ⁴⁶ Reagan, President Ronald, *National Security Strategy of the United States*, Washington, D.C.: The White House, January 1987.
- ⁴⁷ Reagan, President Ronald, *National Security Strategy of the United States*, Washington, D.C.: The White House, January 1988.
- ⁴⁸ The three central goals as listed in Clinton, President William J., *A National Security Strategy of Engagement and Enlargement*, Washington, D.C.: The White House, February 1995, i.
- ⁴⁹ Clinton, President William J., *Presidential Decision Directive Number 39*, Washington, D.C.: The White House, June 1995.
- ⁵⁰ Ibid.
- ⁵¹ Clinton, President William J., *Presidential Decision Directive Number 62*, Washington D.C.: The White House, May 1998.
- ⁵² Clinton, President William J., *Presidential Decision Directive Number 63*, Washington D.C.: The White House, May 1998.
- ⁵³ Perl, Raphael F., *Terrorism: U.S. Response to Bombings in Kenya and Tanzania: A New Policy Direction?* (Washington, D.C.: International Affairs, Foreign Affairs, and National Defense Division, CRS Report for Congress, 01 September 1998), 2.
- ⁵⁴ Reno, Janet, *Five-Year Interagency Counter-Terrorism and Technology Crime Plan*, (Washington, D.C.: Department of Justice, 01 February 1999, 8-9.
- ⁵⁵ Ibid, 6.
- ⁵⁶ Bush, President George W., "The National Security Strategy of the United States of America," 1.
- ⁵⁷ Ibid.
- ⁵⁸ Ibid, 9.
- ⁵⁹ United Kingdom, *Prevention of Terrorism Act 1974*, 29 July 1974.
- ⁶⁰ Ibid, Part III, sec. 9(1).
- ⁶¹ United Kingdom, *Terrorism Act 2000*, 10 July 2000, Chapter 11, Parts I-VIII.
- ⁶² United Kingdom, *Anti-Terrorism, Crime and Security Act 2001*, 14 December 14 2001, Chapter 24, Parts 1-14.
- ⁶³ Taylor, Terence, "United Kingdom," in *Combating Terrorism: Strategies of Ten Countries*, ed. by Yonah Alexander, (Ann Arbor, MI: University of Michigan Press, 2002) 191-193.
- ⁶⁴ Ibid, 194-195.
- ⁶⁵ Spain, *Spain Constitution*, 29 December 1978, Article 18 and Article 55.

-
- ⁶⁶ Broton, Antonio Remiro and Carlos Esposito, "Spain," in *Combating Terrorism: Strategies of Ten Countries*, ed. by Yonah Alexander, (Ann Arbor, MI: University of Michigan Press, 2002) 172.
- ⁶⁷ Ibid, 180.
- ⁶⁸ Clark, Robert P., *Negotiating With the ETA, Obstacles to Peace in the Basque Country, 1975-1988*, (Reno: University of Nevada Press, 1990), 45.
- ⁶⁹ Wikipedia, "Spain," Accessed 04 March 2006, from WIKIPEDIA.org website: <http://en.wikipedia.org/wiki/Spain>.
- ⁷⁰ Wikipedia, "11 March 2004 Madrid Train Bombings," (2004), Accessed 28 December 2005, from WIKIPEDIA.org website: http://en.wikipedia.org/wiki/Madrid_bombings.
- ⁷¹ Bedate, Mansur Escudero, *Spanish Fatwa Against Terrorism*, Released by Islamic Commission of Spain, (26 March 2005), Accessed 28 December 2005, from theamericanmuslim.org website: http://theamericanmuslim.org/tam.php/features/articles/spanish_fatwa_against_terrorism.
- ⁷² Israel, *Prevention of Terrorism Ordinance No 33 of 5708-1948*, 23 September 1948, section 1.
- ⁷³ Israel, *Prevention of Terrorism Ordinance (Amendment) Law 5740-1980*, 20 July 1980.
- ⁷⁴ Walzer, Michael, *Just and Unjust Wars*, (New York, NY: Basic Books, 1977), 216.
- ⁷⁵ Rothenberg, G. E., "Israeli Defence Forces and Low-Intensity Operations," *Armies in Low-Intensity Conflict: A Comparative Analysis*, editors D. A. Charters and M. Tugwell, (London: Brassey's Defence Publishers, 1989) p. 56.
- ⁷⁶ Rodman, D., "Combined Arms Warfare in the Israel Defence Forces: An Historical Overview", *Defence Studies* Vol. 2, no. 1 (March 2002), 123.
- ⁷⁷ Gazit, Shlomo, "Israel," in *Combating Terrorism: Strategies of Ten Countries*, ed. by Yonah Alexander, (Ann Arbor, MI: University of Michigan Press, 2002), 235.
- ⁷⁸ United Kingdom, *Defence (Emergency) Regulations*, (The Palestine Gazette No. 1442), 27 September 1945, Part II.
- ⁷⁹ Shlomo, 237.
- ⁸⁰ Ibid, 257.
- ⁸¹ Heller, Mark A., "Operation Defensive Wall: A Change in Israeli Strategy," *Tel Aviv Notes* No. 34 (04 April 2002): 1.
- ⁸² Israeli Defense Forces, "General Info and Statistics," (January 2006), Accessed 15 February 2006, from IDF.il website: <http://www1.idf.il/dover/site/mainpage.asp?sl=EN&id=22&docid=16703>.
- ⁸³ Luft, Gal, "The Logic of Israel's Targeted Killing," *Middle East Quarterly* Vol. X, no. 1 (Winter 2003): 7-8.
- ⁸⁴ Shlomo, 251.
- ⁸⁵ Ibid, 250.
- ⁸⁶ Ibid, 251.
- ⁸⁷ Miko, Francis T. and Christian Froehlich, *Germany's Role in Fighting Terrorism: Implications for U.S. Policy*, (Washington, D.C.: Foreign Affairs, Defense, and Trade Division, CRS Report for Congress, 27 December 2004), 5.
- ⁸⁸ Schroder, Gerhard, "Address by Chancellor Schroder at the 58th Session of the United Nations General Assembly," (24 September 2003), Accessed 03 January 2006, from germany-info.org website: http://www.germany-info.org/relaunch/politics/speeches/speeches/092403_e.html.
- ⁸⁹ Miko, 7.
- ⁹⁰ German Embassy, Washington, D.C., "Counter-Terrorism Laws Take Effect," Accessed 03 January 2006, from germany-info.org website: http://www.germany-info.org/relaunch/politics/new/pol_anti-terror.html.
- ⁹¹ Federal Minister of the Interior of the Federal Republic of Germany, *2004 Annual Report of the Office for the Protection of the Constitution*, (Berlin, Germany, 2005), 186.
- ⁹² Miko, p. 8.
- ⁹³ Germany, *Amendment of Residence Act (30 June 2004)*, 14 March 2005, Chapter II, part 6, section 27.
- ⁹⁴ Miko, p. 11.
- ⁹⁵ Bush, "National Strategy for Combating Terrorism," 27.
- ⁹⁶ Bush, President George W., "The National Strategy for Homeland Security," Washington, D.C.: The White House, July 2002, 28.
- ⁹⁷ Definition as used by Department of State in Country Reports on Terrorism. Defined under United States Code Title 22, Section 2656f(d).

-
- ⁹⁸ Congress, House, *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001*, 107th Cong., 1st sess., H.R. 3162, section 802, October 26, 2001.
- ⁹⁹ Bush, "The National Security Strategy of the United States of America," 5.
- ¹⁰⁰ Bush, "The National Strategy for Homeland Security," 2.
- ¹⁰¹ Bush, "National Strategy for Combating Terrorism," 1.
- ¹⁰² Bush, "The National Security Strategy of the United States of America," introduction.
- ¹⁰³ Ibid, introduction, 13.
- ¹⁰⁴ Bush, "The National Strategy for Homeland Security," xii.
- ¹⁰⁵ Bush, "National Strategy for Combating Terrorism," 11-12.
- ¹⁰⁶ Congress, House, *Homeland Security Act of 2002*, 107th Cong., 2nd sess., H.R. 5005, sections 101-103, 23 January 2002.
- ¹⁰⁷ Ibid, section 101.
- ¹⁰⁸ Bush, "The National Strategy for Homeland Security," vii.
- ¹⁰⁹ *Homeland Security Act of 2002*, section 101.
- ¹¹⁰ U.S. Department of Homeland Security, "DHS Organization," Accessed 16 January 2006, from dhs.gov website: www.dhs.gov/dhspublic/display?theme=9.
- ¹¹¹ Congress, Senate, *Aviation and Transportation Security Act*, 107th Cong., 1st sess., S. 1447, sections 115-117, November 19, 2001.
- ¹¹² "DHS Organization."
- ¹¹³ Kean, Thomas H. (chairman), *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*, (Washington, D.C., National Commission on Terrorist Attacks Upon the United States, 22 July 2004), 355.
- ¹¹⁴ Ibid, 358.
- ¹¹⁵ Ibid, 339-350.
- ¹¹⁶ Reagan, President Ronald, *Executive Order 12333*, Washington, D.C.: The White House, 04 December 1981.
- ¹¹⁷ U.S. Congress, Senate, *Intelligence Reform and Terrorism Prevention Act of 2004*, 108th Cong., 1st sess., S. 2845, secs. 1011-1014, 17 December 2004.
- ¹¹⁸ Ibid, sec. 1011.
- ¹¹⁹ National Counterterrorism Center, "Mission Statement," Accessed 28 January 2006, from NCTC.gov website: http://www.nctc.gov/about_us/about_nctc.html.
- ¹²⁰ *Foreign Intelligence Surveillance Act, U.S. Code*, Vol. 50, secs. 1801-1802 (1978).
- ¹²¹ *USA PATRIOT ACT, secs. 201-215*.
- ¹²² Ibid, sec. 213.
- ¹²³ Bush, President George W., "Presidential Address to the Nation," (07 October 2001), Accessed 31 January 2006, from whitehouse.gov website: <http://www.whitehouse.gov/news/releases/2001/10/20011007-8.html>.
- ¹²⁴ Bush, "The National Security Strategy of the United States of America," 6.
- ¹²⁵ Bush, President George W., "State of the Union Address," (29 January 2002), Accessed 31 January 2006, from whitehouse.gov website: <http://www.whitehouse.gov/news/releases/2002/01/20020129/11.html>.
- ¹²⁶ U.S. Congress, Joint, *Authorization for use of Military Force Against Iraq Resolution of 2002*, 107th Cong., 1st sess., H.J. 114, 16 October 2002.
- ¹²⁷ Bush, President George W., *National Strategy for Victory in Iraq*, (Washington, D.C.: The White House, November 2005), 3.
- ¹²⁸ Ibid, 1.
- ¹²⁹ Ibid, 3.
- ¹³⁰ U.S. Pacific Command, "SOCPAC," Accessed 14 February 2006, from PACOM.mil website: <http://www.pacom.mil/staff/socpac/index.shtml>.
- ¹³¹ Commander, Joint Task Force Horn of Africa, "Mission Statement," Accessed 08 March 2006, from defenselink.mil website: <http://www.defenselink.mil/news/Sep2005/050921-D-6570C-001.pdf>.
- ¹³² Ghormley, T.F., "Command Philosophy," Accessed 01 February 2006, from centcom.mil website: <http://www.hoa.centcom.mil/Philosophy.pdf>.
- ¹³³ Bush, President George W., *Executive Order 13224*, Washington, D.C.: The White House, 23 September 2001.

-
- ¹³⁴ U.S. Department of State, "Comprehensive List of Terrorists and Groups Identified Under Executive Order 13224," (31 January 2006), Accessed 06 February 2006, from state.gov website: <http://www.state.gov/s/ct/rls/fs/2001/6531.htm>.
- ¹³⁵ Gurule, Jimmy, "Treasury News," (18 September 2001), Accessed 06 February 2006, from FAS.org website: <http://www.fas.org/irp/news/2001/09/flat091801.html>.
- ¹³⁶ United Nations Security Council, *Resolution 1373*, September 28, 2001.
- ¹³⁷ United Nations Security Council, *Resolution 1390*, January 16, 2002.
- ¹³⁸ International Emergency Economic Powers Act, U.S. Code, vol. 50, secs. 1701-1701 (1977).
- ¹³⁹ U.S. Congress, House, *Syria Accountability and Lebanese Sovereignty Restoration Act of 2003*, 108th Cong., 1st sess., H.R. 1828, sec. 5, 12 December 2003.
- ¹⁴⁰ Ibid.
- ¹⁴¹ Bush, President George W., *Executive Order 13338*, Washington D.C.: The White House, 11 May 2004.
- ¹⁴² United States Department of State, "Counterterrorism Office," Accessed 14 February 2006, from state.gov website: <http://www.state.gov/s/ct/>
- ¹⁴³ Bush, President George W., "Campaign Against Terrorism: A Coalition Update," (05 March 2002), Accessed 06 February 2006, from whitehouse.gov website: <http://www.whitehouse.gov/march11/campaignagainstterrorism.pdf>.
- ¹⁴⁴ U.S. Department of State, "Country Reports on Terrorism, 2001-2003," Accessed 08 February 2006, from state.gov website: <http://www.state.gov/s/ct/rls/c14812.htm>.
- ¹⁴⁵ U.S. Department of State, "Country Reports on Terrorism 2004," (April 2005), Accessed 08 February 2006, from state.gov website: <http://www.state.gov/documents/organization/45313.pdf>, 67.
- ¹⁴⁶ Ibid, 74.
- ¹⁴⁷ Bush, "The National Security Strategy of the United States of America," 1.
- ¹⁴⁸ Bush, "National Strategy for Combating Terrorism," 1.
- ¹⁴⁹ Ibid.
- ¹⁵⁰ Ibid, 15.
- ¹⁵¹ Bush, President George W., "Fighting Global Terrorism," Accessed 15 January 2006, from whitehouse.gov website: <http://www.whitehouse.gov/infocus/achievement/print/chap1-nrm.html>.
- ¹⁵² Bush, "National Strategy for Combating Terrorism," 17.
- ¹⁵³ Ibid.
- ¹⁵⁴ Ibid, 18.
- ¹⁵⁵ Bush, "National Strategy for Victory in Iraq," 1.
- ¹⁵⁶ Bush, "National Strategy for Combating Terrorism," 23.
- ¹⁵⁷ Bush, "Fighting Global Terrorism."
- ¹⁵⁸ Ibid.
- ¹⁵⁹ Clausewitz, 82.

BIBLIOGRAPHY

BOOKS

- Anderson, Sean K. and Stephen Sloan, *Historical Dictionary of Terrorism: Second Edition*. Lanham, MD: Scarecrow Press, Inc., 2002.
- Broton, Antonio Remiro and Carlos Esposito, "Spain." In *Combating Terrorism: Strategies of Ten Countries*. Edited by Yonah Alexander, 163-186. Ann Arbor, MI: University of Michigan Press, 2002.
- Clark, Robert P., *Negotiating With the ETA, Obstacles to Peace in the Basque Country, 1975-1988*. Reno, NV: University of Nevada Press, 1990.
- Clausewitz, Carl von, *On War*, Edited and translated by Michael Howard and Peter Paret, New York, NY: Random House Inc., 1993.
- Gazit, Shlomo, "Israel." In *Combating Terrorism: Strategies of Ten Countries*. Edited by Yonah Alexander, 227-259. Ann Arbor, MI: University of Michigan Press, 2002.
- Huntington, Samuel P., *The Clash of Civilizations and the Remaking of World Order*. New York, NY: Simon & Shuster, Inc., 1996.
- Martin, David C. and John Walcott, *Best Laid Plan: The Inside Story of America's War Against Terrorism*. New York, NY: Harper & Row, 1988.
- Rapoport, David C., "The Four Waves of Modern Terrorism." In *Attacking Terrorism: Elements of a Grand Strategy*. Edited by Audrey Cronin and James M. Ludes, 46-73. Washington D.C.: Georgetown University Press, 2004.
- Robinson, Adam, *bin Laden, Behind the Mask of the Terrorist*. New York, NY: Arcade Publishing, 2002.
- Rothenberg, G. E., "Israeli Defence Forces and Low-Intensity Operations." In *Armies in Low-Intensity Conflict: A Comparative Analysis*. Edited by D. A. Charters and M. Tugwell, 53-76. London, England: Brassey Defence Publishers, 1989.
- Taylor, Terence, "United Kingdom." In *Combating Terrorism: Strategies of Ten Countries*. Edited by Yonah Alexander, 187-223. Ann Arbor, MI: University of Michigan Press, 2002.
- Walzer, Michael, *Just and Unjust Wars*. New York, NY: Basic Books, 1977.

OFFICIAL DOCUMENTS

Aviation and Transportation Security Act. U.S. Code. Vol 49, sec. 44909 (2001).

Bush, President George W., “Executive Order 13224,” Washington, D.C.: The White House, 23 September 2001.

Bush, President George W., “Executive Order 13338,” Washington, D.C.: The White House, 11 May 2004.

Bush, President George W., “National Strategy for Combating Terrorism,” Washington, D.C.: The White House, February 2003.

Bush, President George W., “National Strategy for Combating Terrorism,” Washington, D.C.: The White House, February 2003.

Bush, President George W., “National Strategy for Victory in Iraq,” Washington, D.C.: The White House, November 2005.

Bush, President George W., “The National Security Strategy of the United States of America,” Washington, D.C.: The White House, September 2002.

Bush, President George W., “The National Strategy for Homeland Security,” Washington, D.C.: The White House, July 2002.

Clinton, President William J., “A National Security Strategy of Engagement and Enlargement,” Washington, D.C.: The White House, February 1995.

Clinton, President William J., “Presidential Decision Directive 39,” Washington, D.C.: The White House, June 1995.

Clinton, President William J., “Presidential Decision Directive 62,” Washington, D.C.: The White House, May 1998.

Clinton, President William J., “Presidential Decision Directive 63,” Washington, D.C.: The White House, May 1998.

Foreign Intelligence Surveillance Act. U.S. Code. Vol. 50, secs.1801-1811, 1821-29, 1841-46, and 1861-62 (1978).

Germany. Laws, statutes, etc., *Amendment of Residence Act (30 June 2004)*, 14 March 2005.

Goldwater-Nichols Department of Defense Reorganization Act of 1986. U.S. Code. Vol. 50, section 404a (1986).

- Homeland Security Act of 2002*. U.S. Code. Vol. 6, secs. 111-113 (2002).
- International Emergency Economic Powers Act*. U.S. Code. Vol. 50, secs. 1701-1707 (1977).
- Israel. Laws, statutes, etc., *Prevention of Terrorism Ordinance No 22 of 5708-1048*, 23 September 1948.
- Israel. Laws, statutes, etc., *Prevention of Terrorism Ordinance (Amendment) Law 5740-1980*, 20 July 1980.
- Reagan, President Ronald, "Executive Order 12333," Washington, D.C.: The White House, 04 December 1981.
- Reagan, President Ronald, "National Security Decision Directive 138," Washington, D.C.: The White House, April 1984.
- Reagan, President Ronald, "National Security Decision Directive 30," Washington, D.C.: The White House, April 1982.
- Reagan, President Ronald, "National Security Strategy of the United States," Washington, D.C.: The White House, January 1987.
- Reagan, President Ronald, "National Security Strategy of the United States," Washington, D.C.: The White House, January 1988.
- Spain. Laws, statutes, etc., *Spain Constitution*, 29 December 1978.
- U.S. Congress. House. *Syria Accountability and Lebanese Sovereignty Restoration Act of 2003*. 108th Cong., 1st sess., H.R. 1828, 12 December 2003.
- U.S. Congress. Joint. *Authorization for use of Military Force Against Iraq Resolution of 2002*. 107th Cong., 1st sess., H.J. 114, 16 October 2002.
- U.S. Congress. Senate. *Intelligence Reform and Terrorism Prevention Act of 2004*. 108th Cong., 1st sess., S. 2845., 17 December 2004.
- U.S. Congress. Senate. President Roosevelt's Message to the Senate and House of Representatives. 57th Cong., 1st sess., *Congressional Record* (03 December 1901), vol. XXXV, p. 82.
- United Kingdom. Laws, statutes, etc., *Terrorism Act 2000*, 10 July 2000.
- United Kingdom. Laws, statutes, etc., *The Defence (Emergency) Regulations (1945)*, (The Palestine Gazette No. 1442), 27 September 1945.

United Kingdom. Laws, statutes, etc., *Anti-Terrorism, Crime and Security Act 2001*, 14 December 2001.

United Kingdom. Laws, statutes, etc., *Prevention of Terrorism Act 1974*, 29 July 1974.

United Nations. *United Nations Security Council Resolution 1373 (2001)*, 28 September 2001.

United Nations. *United Nations Security Council Resolution 1390 (2002)*, 16 January 2002.

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. U.S. Code. Vol. 18, secs. 2331-2339c (2001).

PUBLISHED REPORTS

Blanchard, Christopher M., *Al Qaeda: Statements and Evolving Ideology*. Washington, D.C.: Foreign Affairs, Defense, and Trade Division, 20 July 2005. CRS, RL32759.

Federal Minister of the Interior of the Federal Republic of Germany. *2004 Annual Report of the Office for the Protection of the Constitution*. Berlin, Germany, 2005.

Kean, Thomas H. (chairman), *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*. Washington, D.C., National Commission on Terrorist Attacks Upon the United States, 22 July 2004.

Miko, Francis T. and Christian Froehlich, *Germany's Role in Fighting Terrorism: Implications for U.S. Policy*. Washington, D.C.: Foreign Affairs, Defense, and Trade Division, 27 December 2004. CRS, RL32710.

Perl, Raphael F., *Terrorism: U.S. Response to Bombings in Kenya and Tanzania: A New Policy Direction?* Washington, D.C.: International Affairs, Foreign Affairs, and National Defense Division, 01 September 1998. CRS, 98-733F.

Pillar, Paul R., "Perceptions of Terrorism: Continuity and Change," *Law vs. War: Competing Approaches to Fighting Terrorism*. Carlisle, PA: Strategic Studies Institute, July 2005.

Reno, Janet, *Five-Year Interagency Counter-Terrorism and Technology Crime Plan*. Washington, D.C.: Department of Justice, 01 February 1999.

INTERNET RESOURCES

- Bedate, Mansur Escudero, *Spanish Fatwa Against Terrorism*, Islamic Commission of Spain, (26 March 2005). Accessed 28 December 2005, from theamericanmuslim.org website:
http://theamericanmuslim.org/tam.php/features/articles/spanish_fatwa_against_terrorism
- bin Laden, Osama, "Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Places," (02 September 1996). Accessed 01 December 2005, from mideastweb.org website: <http://www.mideastweb.org/osamabinladen1.htm>.
- bin Laden, Osama, "Jihad Against Jews and Crusaders: World Islamic Front Statement," (23 February 1998). Accessed 28 October 2005, from FAS.org Website:
<http://www.fas.org/irp/world/para/docs/980223-fatwa.htm>.
- Bush, President George W. "Campaign Against Terrorism: A Coalition Update." (05 March 2002). Accessed 06 February 2006, from whitehouse.gov website:
<http://www.whitehouse.gov/march11/campaignagainstterrorism.pdf>.
- Bush, President George W. "Fighting Global Terrorism." Accessed 15 January 2006, from whitehouse.gov website:
<http://www.whitehouse.gov/infocus/achievement/print/chap1-nrn.html>.
- Bush, President George W. "Address to Joint Session of Congress and the American People," (20 September 2001). Accessed 28 September 2005, from whitehouse.gov website:
<http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>.
- Commander, Joint Task Force Horn of Africa. "Mission Statement." Accessed 08 March 2006, from defenselink.mil website:
<http://www.defenselink.mil/news/Sep2005/050921-D-6570C-001.pdf>.
- Fisk, Robert, "Interview with Saudi Dissident bin Laden," (10 July 1996). Accessed 15 December 2005, from website: http://www.robert-fisk.com/fisk_interview3.htm.
- Garamone, Jim, "Abizaid Details al Qaeda's Long-Term Goals," *American Forces Information Service NEWS ARTICLES*, (29 September 2005). Accessed 31 October 2005, from defenselink.mil website:
http://www.defenselink.mil/news/Sep2005/20050929_2887.html.
- German Embassy, Washington, D.C. "Counter Terrorism Laws Take Effect." Accessed 03 January 2006, from germany-info.org website: http://www.germany-info.org/relaunch/politics/new/pol_anti-terror.html.

- Ghormley, T.F. "Command Philosophy." Accessed 01 February 2006, from CENTCOM.mil website: <http://www.hoa.centcom.mil/Philosophy.pdf>.
- Gurule', Jimmy. "Treasury News." (18 September 2001). Accessed 06 February 2006, from FAS.org website: <http://www.fas.org/irp/news/2001/09/ftat091801.html>.
- Heller, Mark A., "Operation Defensive Wall: A Change in Israeli Strategy," *Tel Aviv Notes* No. 34 (04 April 2002). Accessed 16 February 2006, from tau.ac.il website: <http://www.tau.ac.il/jcss/tanotes/TAUnotes34.doc>.
- Israeli Defense Forces. "General Info and Statistics," (January 2006). Accessed 15 February 2006, from the IDF.il website: <http://www1.idf.il/dover/site/mainpage.asp?sl=EN&id=22&docid=16703>.
- Miller, John, "Osama bin Laden Interview," (May 1998). Accessed 26 November 2005, from PBS.org website: www.pbs.org/wgbh/pages/frontline/shows/binladen/who/interview.html.
- National Counterterrorism Center. "Mission Statement." Accessed 28 January 2006, from NCTC.gov website: http://www.nctc.gov/about_us/about_nctc.html.
- Schroder, Gerhard. "Address by Chancellor Gerhard Schroder at the 58th Session of the United Nations General Assembly," (24 September 2003). Accessed 03 January 2006, from germany-info.org website: http://www.germany-info.org/relaunch/politics/speeches/speeches/092403_e.html.
- U.S. Department of Homeland Security. "DHS Organization." Accessed 16 January 2006, from dhs.gov website: www.dhs.gov/dhspublic/display?theme=9.
- U.S. Department of State. "Comprehensive List of Terrorists and Groups Identified Under Executive Order 13224," (31 January 2006). Accessed 06 February 2006, from state.gov website: <http://www.state.gov/s/ct/rls/fs/2001/6531.htm>.
- U.S. Department of State. "Counterterrorism Office." Accessed 14 February 2006, from state.gov website: <http://www.state.gov/s/ct/>.
- U.S. Department of State. "Country Reports on Terrorism 2004." (April 2005). Accessed 08 February 2006, from state.gov website: <http://www.state.gov/documents/organization/45313.pdf>.
- U.S. Department of State. "Country Reports on Terrorism, 2001-2003." Accessed 08 February 2006, from state.gov website: <http://www.state.gov/s/ct/rls/c14812.htm>.
- U.S. Pacific Command. "SOCPAC." Accessed 14 February 2006, from PACOM.mil website: <http://www.pacom.mil/staff/socpac/>.

Wikipedia. "11 March 2004 Madrid Train Bombings," (2004). Accessed 28 December 2005, from WIKIPEDIA.org website:
http://en.wikipedia.org/wiki/Madrid_bombings.

JOURNAL and MAGAZINE ARTICLES

Beyer, Lisa, "Roots of Rage," *TIME Magazine* Vol. 158, no. 15 (01 October 2001): 44-46.

Johnson, James T., "Jihad and Just War," *First Things* 124 (June/July 2002): 12-14.

Lehman, John, "Our Enemy Is Not Terrorism," *Proceedings of the United States Naval Institute* Vol. 130, Issue 5 (May 2004): 52-54.

Luft, Gal, "The Logic of Israel's Targeted Killing," *Middle East Quarterly* Vol. X, no. 1 (Winter 2003): 3-13.

McCloud, Kimberly and Matthew Osborne, "WMD and Usama bin Laden," *TIME Magazine* Vol. 152, no. 25 (21 December 1998): 49-51.

Rodman, D., "Combined Arms Warfare in the Israel Defence Forces: An Historical Overview," *Defence Studies* Vol. 2, no. 1 (March 2002): 109-126.

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